

By Mr. STOBBS: A bill (H. R. 15453) granting a pension to Julia Ward; to the Committee on Pensions.

Also, a bill (H. R. 15454) granting a pension to Ella M. Spooner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15455) granting an increase of pension to Jennie L. Storms; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15456) granting an increase of pension to Abbie J. Phelps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15457) granting an increase of pension to Harriet L. Mero; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 15458) granting a pension to Arthur E. Madison; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 15459) granting an increase of pension to James K. White; to the Committee on Pensions.

By Mr. TINKHAM: A bill (H. R. 15460) granting an increase of pension to Ida M. Bull; to the Committee on Invalid Pensions.

By Mr. TYDINGS: A bill (H. R. 15461) for the relief of William Volkert; to the Committee on Claims.

By Mr. VAILE: A bill (H. R. 15462) granting an increase of pension to Sarah Nessler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15463) granting an increase of pension to Mary P. Botts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15464) granting an increase of pension to Maggie A. Lyons; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 15465) granting a pension to Elizabeth Penland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15466) granting an increase of pension to Elbert C. Carver; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4376. By Mr. CULLEN: Resolution of Board of Trustees, 405 Union Street, Brooklyn, N. Y., presented by Dr. John J. A. O'Reilly, urging defeat of Sheppard-Towner bill; to the Committee on Education.

4377. By Mr. EATON: Petition of the Rev. Robert L. Clark, jr., and members of the congregation of the Westminster Presbyterian Church, of Trenton, N. J., urging passage of House bill 10311; to the Committee on the District of Columbia.

4378. By Mr. STRONG of Pennsylvania: Petition of citizens of Indiana County, Pa., for an acknowledgment of God in the Constitution of the United States; to the Committee on the Judiciary.

4379. By Mr. THURSTON: Petition of 32 citizens of Garden Grove, Decatur County, Iowa, urging the passage of House bill 10311; to the Committee on the District of Columbia.

SENATE

Monday, December 20, 1926

(Legislative day of Friday, December 17, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate resumes the consideration of House bill 11616.

RIVER AND HARBOR BILL

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. HARRISON. Mr. President—

Mr. COUZENS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Hale	McMaster
Bayard	du Pont	Harrell	McNary
Bingham	Edge	Harris	Mayfield
Blease	Edwards	Harrison	Means
Borah	Ernst	Hawes	Metcalf
Bratton	Ferris	Heflin	Moses
Broussard	Fess	Howell	Neely
Bruce	Fletcher	Johnson	Norris
Cameron	Frazier	Jones, N. Mex.	Oddie
Capper	George	Jones, Wash.	Overman
Caraway	Gerry	Kendrick	Pine
Copeland	Gillett	Keyes	Pittman
Couzens	Goff	King	Ransdell
Curtis	Gooding	Lenroot	Reed, Mo.
Dale	Gould	McKellar	Reed, Pa.
Deneen	Greene	McLean	Robinson, Ind.

Sackett	Smith	Swanson	Warren
Schall	Smoot	Trammell	Wheeler
Sheppard	Stanfield	Tyson	Willis
Shipstead	Steck	Wadsworth	
Shortridge	Stephens	Walsh, Mass.	
Simmons	Stewart	Walsh, Mont.	

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

Mr. HOWELL. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Mississippi [Mr. HARRISON]?

Mr. HOWELL. I yield.

Mr. HARRISON. I understand the Senator from Missouri [Mr. REED] has an amendment which is to be presented and I believe agreed to. I have no objection to the Senator submitting it at this time.

Mr. REED of Missouri. Mr. President, by the courtesy of the Senator from Nebraska [Mr. HOWELL] and the courtesy of the chairman of the Committee on Commerce, the Senator from Washington [Mr. JONES], I ask unanimous consent out of order to submit an amendment which involves the expenditure of no money, which has been recommended by the Chief of Engineers, and which I understand will be acceptable to the chairman of the committee. I ask unanimous consent to offer the amendment at this time. I am obliged to leave the floor for several hours.

The VICE PRESIDENT. Without objection, the amendment will be received and it will be read by the clerk.

The LEGISLATIVE CLERK. Insert at the proper place the following:

Mississippi River from the northern boundary of the city of St. Louis to the mouth of the Ohio: The existing project is hereby modified in accordance with the recommendations submitted by the Chief of Engineers in letter to the chairman of the Rivers and Harbors Committee of the House of Representatives, dated December 17, 1926, contained in House Document No. 9, Sixty-ninth Congress, second session.

Mr. JONES of Washington. The amendment simply modifies the project so as to provide for a 9-foot depth from Cairo up to St. Louis, instead of an 8-foot depth, which the Chief of Engineers says can be done without any additional expenditure of money. It seems to me it is very desirable.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Missouri. Without objection the amendment is agreed to.

FEDERAL REDUCTION OF TAXES

Mr. HARRISON. Mr. President, 1,926 years ago an event happened that has rung down the ages. It was a great event. It happened in a lowly place, in the stall of a stable. It changed the philosophy of peoples and was so important that when the star of Bethlehem shown forth, its brightness and grandeur led the wise men from the east to the manger. It was of such a moment that angels sang "Glory to God in the Highest," and there flashed across the heavens the sentiment of "Peace on earth, good will toward men." That event, year by year and generation after generation has been celebrated. We are again approaching that anniversary—entering the Christmas Yuletide, a time when, above all others, selfishness should be torn from the souls of men and joy fill their hearts.

There was passed last week by the House of Representatives and this body will either pass to-day or to-morrow a joint resolution adjourning Congress in celebration of the Christmas holidays. In that celebration no lines of color or race or creed or section will be drawn. It will be unanimous and nation-wide. Around the hearthstones throughout the land every night from now until Christmas Eve little tots will climb into the laps of their mothers or upon the knees of their fathers and pat them upon the cheeks and lip into their ears what they desire for Christmas. Millions of little souls are planning and praying and with pencils of red and blue and black and of every color scratching their little notes, sending their messages to Santa Claus, with high hopes in their hearts of having their messages fulfilled Christmas morn. In a short while they will be hanging up their little stockings, awaiting their fulfillment at the hands of Santa Claus.

With this yuletide spirit prevailing the country it would seem just on the eve of adjournment of Congress that we should take inventory and make an accounting. And with all this joy upon the part of the little ones, and these messages ringing in the ears of the fathers and mothers of the land, we see drawn faces, drooped countenances, heavy hearts, and downcast spirits. From one end of this country to the other taxpayers have felt their Government exacting from them heavy taxes. They see no relief in sight, but read in the papers where the door is closed and Congress adamant. They see in this city their Uncle Sam with a look different from any they have ever seen worn upon his face before, with a selfishness in his heart

unlike him, and his pockets bulging forth with five hundred million of their dollars, wrung from them under the pretense of orderly and necessary administration of the Government. These fathers have been told that it is wrong for a government to exact more taxes than those necessarily required for the administration of the Government. These fathers have read of the four or five billions of dollars that their Government has given to foreign countries at their expense and the other taxpayers of America. To this action upon the part of their Government they have submitted, but now their despair. And why are they not discouraged? They see their Uncle Sam piling up \$500,000,000 of their money unnecessarily and threatening to continue the process by refusing to change his conduct.

And so not only does the present look dark, but the future to them looks gloomy. It is up to this Congress to send a word of cheer to his ear and a ray of hope to his heart.

Mr. President, there are many ways to destroy and to kill. And I have often thought that about the worst process that could be employed was through suffocation or strangulation. Over in the House of Representatives there is in the committee room a bill which seeks to give relief. Under the law that is the only road through which tax relief can come. It is the only method by which it can be obtained. There is an element over there and an element over here, of which I am proud to be a part, which has appealed and still appeals to other elements there and other elements here and elements elsewhere to permit some kind of constructive tax legislation to be considered during this Congress—not only that joy might fill the hearts of America during this yuletide but that relief be given to the taxpayers permanently as the years come and go.

But, sirs, the group of men who hold the key and guard the gates are employing the strangulation or suffocation process to destroy and kill that relief. It matters not how strong the Democratic Party may be in the House of Representatives, or in this body, we do not control committees and under the Constitution and the rules of the Congress, for relief to be obtained, it must first receive the permission for its consideration from the Republican members of the Ways and Means Committee of the House. Here are their names:

William R. Green, of Iowa.
Willis C. Hawley, of Oregon.
Allen T. Treadway, of Massachusetts.
Isaac Bacharach, of New Jersey.
Lindley H. Hadley, of Washington.
Charles B. Timberlake, of Colorado.
Henry W. Watson, of Pennsylvania.
Ogden L. Mills, of New York.
James C. McLaughlin, of Michigan.
Charles C. Kearns, of Ohio.
Carl R. Chindblom, of Illinois.
Frank Crowther, of New York.
Harris J. Bixler, of Pennsylvania.
Charles L. Faust, of Missouri.
Richard S. Aldrich, of Rhode Island.

And while the responsibility would apparently rest upon them, and it is largely resting upon them, the failure for this Congress to consider tax relief must not be wholly placed upon them. They are but one of the tools, one of the agencies of this administration. They are acting following a conference or through either the suggestions of those higher up or in obedience to their demands. Those gentlemen would not for a day withhold in the committee tax relief if it met the disapproval of those of you in this body who believe in immediate tax relief. They would not for a day hold up this tax-relief program if the President of the United States sincerely wanted it and made a demand for it. And so the American people must know that the blame is not to be placed wholly upon these gentlemen who control the Ways and Means Committee of the House, but upon every person belonging to this administration who plays a part in it.

I heard once of a modest Quaker, of mild manners and sweet temperament, but who had a neighbor who owned a dog that this peaceful Quaker hated and wished to be dead. The Quaker himself did not possess sufficient heart to shoot or kill the dog. He conceived another plan. So on one occasion as the dog sought the sunshine and exercise, and walking down the street he was spied by this well-mannered Quaker and immediately put to flight. The Quaker ran after the dog, shouting and hollering at the top of his voice, "Mad dog, mad dog!" Others hearing him and seeing the sight, joined in the cry. It incited others, and one whose heart was not of such a tender disposition shot and killed the dog.

Mr. President, the country will know that while these gentlemen on the Ways and Means Committee who control its

program may suffocate and strangle tax-relief legislation and prevent its coming out of the committee, it will know that you leaders here in the Senate and your leaders at the other end of Pennsylvania Avenue are hollering "Mad dog, mad dog!" It is your inciting words that is causing the strangulation and suffocation of tax relief for this session.

Irwin Russell, one of the greatest of southern poets, in his Christmas Night in the Colored Quarters, said:

De sinfulness ob sin is 'pendin' 'pon de sperrit what we goes an' does it in.

And so when the American people realize that this action on the part of the majority party in the Ways and Means Committee in withholding this tax-relief legislation from the consideration of Congress is but the execution of a political conspiracy that reflects the spirit of your kind over there, here, and throughout the administration.

So I appeal to you Senators over there, at this Yuletide when all of us should be in high spirits and filled with joy to overflowing, that you bring your influence, that you exert the power of your station upon the other branch of the Congress and upon the White House so that we can frame legislation that will send "glad tidings of good news" throughout the land and make this Christmas time one of happiness to all.

Mr. HEFLIN. Mr. President—

The VICE PRESIDENT. The Senator from Nebraska [Mr. HOWELL] has the floor. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. HOWELL. I yield.

ACQUITTAL OF FALL AND DOHENY

Mr. HEFLIN. Mr. President, on Saturday last one of the officials in the Department of Justice, Mr. Toleman, asked me if I had received a letter from the district attorney's office in New York. I told him that I had not. He said that I would receive a letter either Saturday or Sunday, or probably this morning. I asked him what he wanted to write about, and he said it was in reference to Jess Smith and what I knew with regard to his taking off and any suggestion I had to make as to what reason there should be for desiring to dispose of him.

I recall the testimony taken before the Judiciary Committee in April last regarding the reappointment of District Attorney Boyles, of Mobile, Ala.

JESS SMITH TO COLLECT \$2,000,000 FROM BOOTLEGGERS

Mr. Harry Smith, a very able lawyer of Mobile, was undertaking to get Mr. Boyles to tell about his connection with Jess Smith, and Mr. Boyles was declining to do so. Mr. Smith asked:

Won't you please state the rest of the conversation that you started to state yesterday?

Mr. BOYLES. Not unless the committee insists that I do so. I said to the committee that it is not relevant to this issue.

Mr. SMITH. I think it is.

Mr. BOYLES. And as a Government official it is protecting the interest of the Government not to discuss it.

Mr. SMITH. Yesterday, Senator—

Speaking to Senator ERNST—

he testified as to a part of a conversation with a Mr. Boykin, who, he says, is one of the liquor men that he led into this conspiracy. He said there was a part of that conversation which he would not state. As a matter of fact, he did testify to the whole conversation in the court proceedings.

That was down at Mobile.

I will now ask him to give the remainder of that conversation—it is very short—which he omitted yesterday and which he now refuses to state.

Senator ERNST. Do you know the remainder of it yourself?

Mr. SMITH. I know what it is exactly.

Senator CARAWAY. Is it in the court records?

Mr. SMITH. It is a matter of court record, and I have it here.

Senator ERNST. Well, then, just state it.

Mr. SMITH. Can I state it now?

Senator ERNST. Yes; you can state it.

Mr. SMITH. Mr. Boyles stated Mr. Frank Boykin came to him.

Senator ERNST. Have you the record here?

Mr. SMITH. Yes. Shall I read the record or state it?

Senator ERNST. You can state it if your statement agrees with the record. If you do not state it correctly—

Mr. SMITH. I will be glad to refer to the record. That Mr. Frank W. Boykin, who previously was an intimate friend of his, came to him and told him that he had just been to Washington and had a long talk with Mr. Jess Smith, a personal friend—

Mr. BOYLES. I will correct you right there. I didn't say that.

Mr. SMITH. May I read the record, then?

Senator ERNST. I have no objection.

Mr. SMITH. The testimony of Boyles in transcript No. 2. [Reading:]

"Q. Go ahead.—A. He—"

This is Mr. Boyles speaking—

"A. He—"

Speaking of Frank Boykin—

"He said he had a three-quarters of an hour long-distance telephone message from Jess Smith. 'He asked me to wire you to wait there in Washington until you could come up'—that is, until Frank Boykin could come to Washington—and all three of us could have a conference.' He said, 'You know Secretary Mellon loaned the Republican National Committee \$5,000,000. Only \$3,000,000 has been repaid. There is a deficit of \$2,000,000. Jess Smith is charged with getting up that money. The plan is to have the liquor men—the men in the liquor business and the breweries—contribute to this fund. United States attorneys in some places have been arranged with. They will be expected to collect from the bootleggers money and contribute a certain portion of it to that fund.' I said, 'What is the plan, Frank?' He says, 'I have no definite plan now. I am going to Washington to-night. I will find out all about it, and I will let you know when I come back.'"

Mr. SMITH. And did you not—

He was addressing Mr. Boyles—

And did you not get a letter from him to Jess Smith and ask Mr. Smith to help your candidate for United States marshal to be appointed?

Mr. BOYLES. Yes.

Mr. President, that is one of the reasons they wanted to get rid of Jess Smith. I stated here the other day that Jess Smith knew more than anybody else connected with the Department of Justice of the high-handed work of Mr. Daugherty, and that they had a very good reason for getting rid of him. He knew enough to down the whole miserable bunch if he should ever decide to tell it. It will be recalled that Jess Smith, who was not an attorney, had a desk in the office of Attorney General Daugherty; and nobody except Daugherty and his intimate friends ever knew exactly what he was doing there. However, it has been openly asserted from time to time that he was the crooked agent of Mr. Daugherty; that he went out and collected money from the bootleggers and breweries, and that through that money paid in to Daugherty they obtained immunity from prosecution and unwritten license to carry on their traffic.

It was stated here about the Capitol just after they murdered Jess Smith that his part of the loot amounted to more than \$300,000. That that money was in cash somewhere, and they knew where it was. Jess Smith knew so much that it was decided to get rid of him. We were planning here for a general investigation of the whole thing. It was rumored also about the Capitol that Jess Smith grew exceedingly nervous over certain disclosures in connection with the Attorney General's office, and that he made up his mind to make a clean breast of it all; but Jess never lived to tell his tale; he was murdered.

This statement, Mr. President, about Jess Smith being designated to collect from bootleggers and breweries \$2,000,000 for the Republican National Committee constitutes another great scandal in the history of the Republican administration. If the New York district attorney wants to know why I suggested that they wished to murder Jess Smith, I will give him the testimony in concrete form: Five million dollars loaned by Mr. Mellon, Secretary of the Treasury, to the Republican National Committee; \$3,000,000 have been gathered in and paid back; \$2,000,000 more must be collected. A friend of Boyle, the then Republican district attorney in my State, at Mobile, is approached and invited to Washington to confer with Jess Smith about the plan to collect \$2,000,000 more. Boyle himself stated, down there in the court—he refused to state it here—that Boykin said to him: "Some of the district attorneys have already been arranged with." That is what Jess Smith had told Boykin.

Mr. President, this is a gruesome story. It is enough to make any patriot hang his head in shame that our country has fallen upon such evil days, when there is crookedness and corruption in every nook and corner of the Capital; when the Secretary of the Treasury is loaning money—I do not know where it came from, whether it was Mr. Mellon's money or the Government's money—but that money was to be collected from outlaws and criminals. Three million dollars of it has already been collected. There are two millions more to collect. Government officials who will be instrumental in gathering it in are sought out, and Boyle is asking for a letter to Jess Smith—

Daugherty's graft man and thieving agent—appealing to him because of his power and influence with the Department of Justice, to have his man appointed United States marshal to help gather in the loot needed by the Republican National Committee.

Mr. President, I intend to see to it that the truth of the Fall-Doheny scandal shall be laid bare to the American people. I do not intend that it shall be cloaked or covered up.

One newspaper tried to give the impression to the country that the Senate in the main did not share with me disappointment and disgust at the verdict of acquittal in the Fall-Doheny case. That paper said:

Senate amazed at HEFLIN's attack on Fall's acquittal.

Mr. President, there is not an honest, intelligent, patriotic Senator here but who indorses my denunciation of that verdict.

Mr. BRUCE. Mr. President, I desire to say that I wish to be excepted from any such statement. In my opinion the judge who sat in that case was a just and upright judge, and I have yet to believe that the jury did not do its duty as it honestly saw it. In my opinion, it is the duty of the people of the land to accept the situation. I say that notwithstanding the fact, as the Senator will remember, that I have taken occasion more than once in this body to express in no uncertain terms my opinion of Albert Fall.

Mr. HEFLIN. Mr. President, I stated the other day that I did not know the judge; that he may be a very clever gentleman; but that, being appointed by Harding, and Fall being appointed by Harding, and Harding's name being drawn into this case, Mr. Hoebling ought not to have sat in it. He deserves to be criticized for sitting in the case. He had no business presiding over that case. That is my opinion, in spite of the views expressed by the Senator from Maryland.

There is not an intelligent, patriotic, honest man in the country, outside of the Senate, who agrees to the verdict that that jury rendered in acquitting Fall and Doheny. There is not an honest, intelligent, patriotic citizen in the country but who has grave suspicions and fearful forebodings about the conduct of the jury in that case. It is the most disgraceful performance that has ever been pulled off in the Capital of our country.

Here is a case where a great civil court, the circuit court of appeals, has already declared these Fall-Doheny leases null and void. That court, with all the facts before it, has already held that they were obtained through fraud and corruption. The judge who rendered that decision is a Republican—an honest man, thank God! He wants to clean house, and he is a clean and upright judge. He has the courage of his convictions, and he can neither be bulldozed nor bribed. I refer to Judge Kenyon, of Iowa.

I called the attention of the Senate and of the country the other day to a statement in the Washington Post, Ned McLean's paper—and I shall have something to say about him in a minute. He certainly is friendly to the criminal defendants, Fall and Doheny, who ought both to be in the penitentiary for life. His paper stated that this jury spent the night cursing, swearing, shooting dice, playing cards, and that one of the jurors insisted on having a verdict of acquittal right then, in the dead hour of the night; and really, Mr. President, if it were going to be done at all, God knows it were better that it be done in the nighttime and in the darkest hour of the night.

The paper said that this juror asserted that he would not permit the other jurors to sleep—now, listen, Senators—and he played the phonograph. O Mr. President, how the juries are equipped in this modern time, with dice, with cards, so that they can gamble while they are tossing away the rights and the liberties of the people! Here was a case involving a conspiracy against the Government of the United States. A case that involved the obtaining by fraud and corruption \$200,000,000 worth of oil property belonging to the Government of the United States. Doheny had testified that he would make a hundred million dollars profit; and here is a rollicking, dice-throwing, card-playing boy jury, and one of them, we are told, persisted in playing a phonograph and otherwise making noise for the purpose of preventing the other jurors from sleeping. Just think of it, Senators, this is the jury that rendered the verdict acquitting Fall and Doheny. Can you visualize that jury room, Senators? I want to draw aside the curtain and let you see where the jurors in the Fall-Doheny case are shooting dice, playing cards, cursing, and swearing, and then finally, when they try to go to sleep, one goes around and turns on a phonograph and has it sing and play and make noises, and he does not permit the others to sleep; and out of that situation, just think of it, has come a verdict which sets free two criminal enemies of the country.

As I said before, the civil courts have already held, through the circuit court of appeals, that these leases were obtained through fraud and corruption. I want to cite the further fact that the Senate, with practically all of the Senators voting for it, passed a resolution in which it declared that these oil leases to Doheny and Sinclair were procured through fraud and corruption. Mr. President, I know some things about this case that I am not going to discuss now, but I may discuss them some day. It would open the eyes of the Nation if they knew all the inside work about this case here in the city of Washington. There have been strange doings here in the Capital of the Nation.

I stated the other day, and I repeat it, that if Doheny and Fall had not had some assurance on the side from somebody they never would have permitted that case to go to trial. The day they announced that they were ready they knew that they had already, somehow, poisoned the channels of justice in this city, and that they were either going to be acquitted or a mistrial would be had.

Why can we not talk freely about these things? A number of Democrats in this body have already congratulated me on my speech, and two or three Republicans over on the other side. There are other Republicans over there who feel just as I do about it—that is, they do not indorse the verdict—and they will not stand up and say that they indorse the verdict; that they thought the verdict was the proper verdict, in view of the interests of their country, and in view of the facts and the justice of the matter. I will tell you what one Senator over there said. He said:

You can not convict a hundred million dollars in this country.

Mr. President, that is a sad commentary upon conditions under Republican rule. I want to take off my hat to Great Britain. It makes no difference how high the criminal is, how rich he is, how influential he is; if he is guilty, he is just as certain to pay the penalty in the British courts as God reigns. But recently in many places in our country you hear good men and women say, as soon as a heinous crime is committed: "Why, he will never be convicted." "Why?" "Because he has too much money."

Mr. President, that is a sad and severe indictment against those in authority in our country. It is a dreadful thing, Mr. President; and I want to read right here a letter from a gentleman over in Baltimore, Md., dated December 17, addressed to me:

MY DEAR SENATOR HEFLIN: Thank you profoundly for your speech in the Senate called forth by the rotten verdict of the jury in the Fall-Doheny case.

It would be terrible if nobody voiced the protest of what is left of the national conscience, as in the matter of national dishonor it witnesses Pelion piled on Ossa in broad daylight—dangerously so.

"Merciful heaven!

What, man! n'er pull your hat upon your brows;
Give sorrow words; the grief that does not speak
Whispers the o'er-fraught heart and bids it break."

Thus Malcolm to Macduff when the latter seemed dazed by the word brought to him by Ross of the destruction by Macbeth of all he held most dear.

To-day America seems dazed as she witnesses her honor laid in the dust, over and over and over again. To-day she appears to be not just "beautiful" but "beautiful and dumb."

The dumbness, however, is not forever. The moral inhibition of the moment will pass. The dumb Nation will again speak in language that will not need to be translated to those whose profitable business it is to do her dishonor. That is, unless she goes mad. Unless her "o'er-fraught heart" breaks.

Your fine outburst of righteous indignation makes a great and necessary contribution toward the struggle of the national conscience to keep its hold on sanity until it recovers its voice.

God knows there ought to be a knocking, knocking, knocking not only in Washington but throughout this land. And there will be yet! America is tragically dumb, but not, as those who rob and rape her think, damned.

Yours sincerely,

MERCER G. JOHNSTON.

I have quite a number of letters like that. They are coming in from every State of the Union, and I am going to read some of them into the RECORD from time to time.

Mr. President, my attention has just been called to an attack made upon me by the Wall Street Journal. If I needed anything to bear testimony to the righteousness of my position, I would call for no stronger evidence than to have an attack

made upon me by the Wall Street Journal. It is the tool and instrument of the predatory interests of the country.

Mr. President, this journal comes to the rescue of Mr. Doheny and Mr. Fall. It says:

A Senator from Alabama, in a half hour vituperative indecency on the floor of the United States Senate, raves like the common hangman cheated of his fees.

Oh, how vehemently he screams in defense of these two crooked thieves, covered all over with national disgrace and dishonor, who have pulled off a conspiracy that stinks to high heaven, a deal through which they steal the oil reserves of the Nation, which might some day be needed to save the life of the Nation. And when a Senator in this place denounces their criminal conduct, the Wall Street Journal comes to their rescue and assails me. The Wall Street Journal shapes its creed for its cravings and holds out its hand to get some of the ill-gotten gain. I recall a little poem that fits the case:

I love to hear the thunder burst
O'er woodland, vale, and hill;
Like the melodious music of hungry swine
Petitioning for swill.

Listen to the way in which the Wall Street Journal argues the case for Fall and Doheny:

If either of these men had been crooked, the last thing one of them would have asked, or the other would have granted, would have been a loan of \$100,000, or any other amount, while negotiations with a Government department were pending.

Mr. President, what are the facts? That is just what did happen, but that is not what Fall first said happened. What did he say happened? When this thing was discovered the Senator from Montana [Mr. WALSH] was conducting an investigation. The first thing the committee did was to send somebody down to New Mexico. They saw that Mr. Fall was making great improvements on his place. They knew that he was financially embarrassed when he came into the Cabinet.

They knew that he was hard up and had no money. They found that he had bought another ranch costing \$90,000 or \$100,000, and they commenced to inquire as to where he got the money, and what happened? Fall sent for Ned McLean, met him over in Atlantic City, and after they held a conference, a thieving, secret conference, Ned McLean, at the request of Fall, came out and said that he loaned Fall the \$100,000. Keep that point in mind, Senators. Fall wrote the investigating committee here in Washington that he borrowed the \$100,000 from Ned McLean. Then what happened? When they got Ned McLean on the witness stand and cross-examined him, and frightened and mixed him up dreadfully, he said, "No; I will take it all back. I never loaned Fall any money. I did not let him have it at all." Then they notified Fall what McLean had said. Remember, Fall had already written to the committee, over his own signature, solemnly stating that he had borrowed that money from Ned McLean, and Ned McLean back-tracked, withdrew his statement, and said he did not loan it to him at all. Then what? Mr. Doheny went and had a conference with Fall, and then it was that it came out that he got the money from Doheny. Did that look like Fall was honest and straightforward in the matter?

Keep in mind this statement of the Wall Street Journal, that if there had been anything crooked about it, this loan would not have been done as it was, in the open. Fall lied and tried to deceive the committee in the first place.

"What else did you do, Mr. Fall? Did you let Mr. Doheny give you a check?"

That is what an honest man would have done. A hundred thousand dollars, put down in a corner, a loan to Albert B. Fall.

But no. "We do not want any bank to know about this transaction. You get the money out of a bank in New York"—and he did—"and you put it in a suit case"—and he did, \$100,000 in cash, and Fall lugs that across the country to New Mexico. There were no checks cashed by Fall. There is no written testimony to tell the tale of corruption and fraud. But he got the money in cash, and the deal was made in secret, the Government property was delivered, and that is the truth of the situation.

A jury with a thimbleful of sense and honesty would have given great weight to that fact. It showed that the whole thing was crooked and corrupt. When Fall first obtained consent from Ned McLean to say he loaned it to him he was guilty of telling a lie then. He was making Ned McLean tell a lie. Together, they were conspiring to cover up the facts in

the case, and when Ned McLean was frightened off and told the truth, then it was that Doheny came in and they said "Why, he just loaned it to an old friend." Why did they not tell that in the outset?

Fall had been hard up for six or eight years. He needed money badly. Why was it that his old friend Doheny did not let him have it before the oil lease was up before Fall? Mr. President, the trail of the serpent is over it all. It is the most diabolical thing that ever was pulled off at the Capital. I never believed that the jury would acquit them. I thought they would make a mistrial and drag it on for a year or two, and then try it again, and make another mistrial, and wear it out; but I did not believe that they could pull that off and bring out a verdict of acquittal, when these cases, already determined by the court of appeals, which held that they obtained these leases through fraud and corruption, were pending in the Supreme Court.

What happened just after that? Sinclair's lawyers hurry into the Capital, and they have moved to quash the indictment against him. I did not think they would do that so soon, but they have come in and asked to have the indictment against Sinclair quashed and the case dismissed. Why?

Why, we have just obtained a verdict of acquittal of Doheny and Fall. They have been acquitted. What is the use trying the other case?

That may be a very pertinent inquiry, and I think the Government ought to move those cases from the District of Columbia, and I will give the Senate my reason for saying that.

A good many people who are drawn into the jury box here are related by blood or marriage, or in some other way, with people who work for the Government. The political line reaches down to them. It is hard to get a jury here without having somebody on it who is under obligations to the administration now in charge of the Government. Let us remove these cases. Let us take them out into some State, where the Government can have a fair trial. Why not do that?

I want to call attention to another point in connection with this case. Mr. Denby, when he testified before the investigating committee, knew nothing. He did not know a thing. He just said he approved the papers; he supposed they were all right. He was discussed in the Senate, and fun was made of his recollection about matters. But since he has had all this time, they have trained him and made him see things as they see them, and he comes back and seems to have a perfect understanding of it all now.

Mr. President, they have had three or four years in which to train up their witnesses and their defendants and get ready for this thing they call a trial which was pulled off here the other day.

What did they do with regard to naval officers when they wanted to get hold of the oil reserves? Listen, Senators! There was but one naval officer in all the naval régime who indorsed this lease, and he is the one that Doheny, Denby, and Fall had picked out to handle the matter. Does not that look suspicious? He is the only one, and he approved it. He was the only one they could find who would approve it. The others all disapproved it. The others all denounced it, and this one, strange to say, was picked out to handle the matter.

Then Admiral Robison! His part in it is shameful. It is a disgrace to the Navy. He ought to be stricken from the retired list of this Nation. He ought to go down with those who have betrayed it, and who have been a party to a conspiracy mean, low, and diabolical.

Why should we not talk about these men just as you would talk about a poor criminal on the streets who did not have a friend or a dollar to defend him? Do you know what would happen to him? They would bring him into court in a jiffy and he would go into the mines or to the penitentiary and be forgotten, would eke out his existence there. But what has happened to Fall and Doheny? They are receiving congratulations from the crooks who applaud such conduct as theirs, from the crooks who would like to see law and order overthrown, and an orgy of lawlessness and crime become the common rule of the country.

Mr. President, crime is growing fast enough, God knows. Pick up the paper this morning, pick up the daily paper every morning, and you read of all manner of crime being committed. I said the other day, and I want to repeat, you can not have law and order in this country when the big criminals at the Capital are stealing from the Government and getting away with it. You can not have it.

In order for this Nation to be restored in the confidence and affections of the people, it has to have one rule of conduct for

the rich and poor. It has to say to those who trample the laws under foot, "It makes no difference how big you are, how rich you are, you are going to pay the pains and penalties of violated law."

That is what we have to come to, and the sooner we do it the better.

One of these papers had headlines, and they played it up, "Senator HEFLIN claims immunity."

Mr. President, I said in my speech that I thank God that there is a place in the Government where the trusted representatives of the people can speak their convictions and make known their opinions without being intimidated by the fear of being called into a court and punished for contempt. That is what I said, and I repeat it here. It is fortunate indeed that we have such a place. If you could read the scores of letters I am receiving from all over the country indorsing my stand and denouncing this verdict and expressing grave concern about the future of our country, it would give you an idea of what the patriotic men and women are thinking about these crimes and scandals at the Capital.

Senators, we can not carry on this way and preserve respect for our Government. We make Bolsheviks out of good citizens. We destroy their morale. They get disgusted, and then they lose respect for and confidence in our Government.

Mr. President, that is about all I care to say this morning on this subject. I have some letters here, which I shall print in the RECORD without taking the time to read them. I shall have something else to say from time to time upon this important subject.

NEWARK, N. J., December 17, 1926.

Hon. J. THOMAS HEFLIN,

Senate Office Building:

Congratulations your fearless and merciless denunciation Doheny decision. Nation applauds.

L. A. MAY.

FLORENCE BUILDING & LOAN ASSOCIATION.

Florence, Ala., December 17, 1926.

Hon. J. THOMAS HEFLIN,

Washington, D. C.

DEAR MR. HEFLIN: Just want to drop you a line of congratulation on your speech in reference to the Fall-Doheny case. I would have given much to have heard you. A speech of that kind is a great benefit to the country at large.

Yours very truly,

W. L. FOY, Secretary-Treasurer.

JACKSON HEIGHTS, N. Y., December 17, 1926.

MY DEAR SENATOR: Thank God we have at least one representative in the upper House who is not afraid to voice the sentiments of all right-thinking people. Your speech of yesterday was needed in these days of crookedness and graft in high places. I congratulate you.

Sincerely yours,

E. W. KEMBLE.

PHILADELPHIA, December 17, 1926.

Hon. J. THOMAS HEFLIN,

Washington, D. C.

DEAR SIR: I took great pleasure to-day in reading every word of your wonderful speech on the acquittal of Doheny and Fall.

I am a Republican for 40 years, but, believe me, I can honor you for your courage in making such a speech, and if it should only open the eyes and consciences of the millions who read it and lead to better things you will have done a world of good. * * *

Yours very truly,

HENRY C. LEAHY,

Care of Harrison & Co., 106 South Fourth Street, Philadelphia.

INTERDEPENDENCE BUREAU (INC.),

New York City, December 17, 1926.

Senator J. THOMAS HEFLIN,

Washington, D. C.

DEAR SENATOR: I wish to thank you for voicing the indignation of the people toward Fall, Daugherty, et al. The betrayal of the people by their trusted servants and the silence of Coolidge and his administration is most depressing to any American who takes a pride in his country.

It is a comfort to know that there is some one in Congress who will voice our feelings while we are compelled to be silent and bow our heads.

Very truly yours,

E. C. RIEGEL.

TRENTON JUNCTION, N. J., December 17, 1926.

HON. J. THOMAS HEFLIN,
Washington, D. C.

MY DEAR SIR: May I offer you my hearty thanks for the splendid speech you just recently made in the Senate in regard to the outcome of the trial of Fall and Doheny.

I only wish I had the opportunity to show my appreciation of your courage by giving you my vote—and I am a Republican at that!

Cordially yours,

GEORGE W. BROWN.

NEW YORK, December 17, 1926.

HON. J. THOMAS HEFLIN,
United States Senator, Alabama, Washington, D. C.

HONORABLE SENATOR: Having read your speech before the Senate with respect to the Fall-Doheny conspiracy case, I take the liberty of addressing you and offering my congratulations for your fair and fearless expressions, and hope that more of your colleagues will take the example of your courage and realize that they represent the multitudes, and not the favored few, fortunate enough to have been born with a gold spoon in their mouth.

A crime such as was committed by a former Cabinet officer would have entitled him to face a firing squad during the war, and the least he could have expected during present conditions would have been a term in jail.

As a citizen, I join my hundreds of thousands of brothers in wishing you success, and pray that God will preserve you to carry on your justified and unselfish convictions.

Respectfully yours,

CHARLES J. PAUL,
No. 29 Pearl Street, New York City.

HAYWARD MANUFACTURING CO. (INC.),
Brooklyn, N. Y., December 17, 1926.

HON. J. THOMAS HEFLIN,
Senator from Alabama, Washington, D. C.

DEAR SIR: The writer has read your complete speech of December 16 in the United States Senate relative to your attitude toward the trial and the jury decision in the Fall-Doheny case.

I feel it is due you to write a letter of approval and commendation for every word you have spoken. It is encouraging to the public to have at least one man representing them who has the courage to make the statements you did and which are all absolutely true. When you said "God save this country," you did not exaggerate the situation. It is disheartening to those of us who labor in civic occupations to so often feel that they are being "represented" and sold out by grafters and traitors and also to know that they are taxed heavily for their salaries besides.

The personal decisions rendered by some judges, such as in the Leopold-Loeb case in Chicago and the farcical trials of Ward, Colonel Mitchell—found guilty by officials he accused—Daugherty, to which you alluded, and now Fall and Doheny will eventually make all honest civilians distrust the Government completely. I have never been a radical or disturber, but my observation of Government officials in recent years has poisoned my mind to the extent that I often feel that there are no honest men in the Government employ, and I am by no means alone in this conviction. I dislike to form such an opinion as I know it must do an injustice to many. The time has arrived, however, for Government officials to wake up and realize they can not "fool all of the people all of the time." The Government seems to need a thorough housecleaning, and it would be quickly done if it were a private enterprise.

No one with a grain of intelligence would think for a moment that juries could render decisions they sometimes do, absolutely contrary to the evidence, unless they were bought up in advance. It would be an insult to their intelligence not to suspect them of being paid for acquittals in such cases.

Respectfully yours,

EDWARD S. LEVIS.

TOLEDO, OHIO, December 17, 1926.

HON. J. THOMAS HEFLIN,
Member United States Senate,
Congress Hall Hotel, Washington, D. C.

DEAR SIR: I congratulate you in having "guts" enough to attack the corruption and those of the Harding administration who participated in it, in the Chamber of the United States Senate and the miscarriage of justice in the recent trial of Fall and Doheny.

Yours sincerely,

JAMES HARRINGTON BOYD.

CLARENDON, VA., December 18, 1926.

J. T. HEFLIN,
United States Senator from Alabama,

DEAR SIR: It has seemed strange that so many bigger and abler men than I should seem to view the late trial proceedings and verdict with apathy—seem to take it as something to be expected, that doesn't matter much. But I am sure that there are many who were very glad that there was one official voice raised in protest. Personally I wish to thank you for the decent feeling and courageous expression of it shown in your Senate address of Thursday.

Yours very truly,

E. C. MCCLINTOCK.

ATLANTA, GA., December 17, 1926.

Senator HEFLIN,
Washington.

MY DEAR SENATOR: This will probably not get beyond your secretary, but will count one in the communications of approval regarding your remarks following the Fall-Doheny fiasco. I hope letters will reach in such numbers that it will be worth giving to the Associated Press.

It seems as if our courts are being run largely in the interest of criminal lawyers. The defeat of justice is too common.

Yours truly,

S. R. STONE.

And I'm a Republican.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 15009) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 12316) to amend the Panama Canal act and other laws applicable to the Canal Zone, and for other purposes, and it was thereupon signed by the Vice President.

CREDENTIALS

The VICE PRESIDENT laid before the Senate the certificate of election of HIRAM BINGHAM, of Connecticut, which was read and ordered filed, as follows:

STATE OF CONNECTICUT,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on November 2, 1926, HIRAM BINGHAM was duly chosen by the qualified electors of the State of Connecticut a Senator from said State, to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1927.

Witness: His excellency our governor, John H. Trumbull, and our seal hereto affixed at Hartford this 15th day of December, in the year of our Lord 1926.

JOHN H. TRUMBULL,
Governor.

[SEAL.]

FRANCIS A. PALLOTTI,
Secretary.

Mr. HEFLIN presented the certificate of election of HUGO L. BLACK, of Alabama, which was read and ordered to be filed, as follows:

CERTIFICATE OF ELECTION

THE STATE OF ALABAMA,
DEPARTMENT OF STATE.

I, S. H. BLAN, secretary of state, in accordance with the provisions of section 516 of the Code of Alabama, do hereby certify that, as shown by the returns of election on file in this office, Hon. HUGO L. BLACK was elected United States Senator from the State of Alabama at the general election held in this State on Tuesday, the 2d day of November, 1926.

Witness my hand this 18th day of November, 1926.

S. H. BLAN,
Secretary of State.

REPORT OF THE PUBLIC BUILDINGS COMMISSION

Mr. SMOOT. I submit the annual report of the Public Buildings Commission and ask that it be printed as a public document.

The VICE PRESIDENT. The report will be received and printed.

PETITIONS

Mr. COPELAND presented a telegram in the nature of a petition, which was ordered to lie on the table and to be printed in the RECORD, as follows:

[Western Union telegram]

GENEVA, N. Y., December 20, 1926.

Hon. ROYAL S. COPELAND,

United States Senator:

We strongly urge you to work and vote for two-year extension period Sheppard-Towner Act. This is a vital need.

CORTLAND STREET HOME AND SCHOOL CLUB,
Geneva, N. Y.

Mr. WARREN presented a petition of sundry citizens of Park County, Wyo., praying for the granting of increased pensions to Civil War veterans and widows, which was referred to the Committee on Pensions.

Mr. WILLIS presented a petition of sundry citizens of the State of Ohio, praying for the passage of legislation regulating radio broadcasting, which was ordered to lie on the table.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRATTON:

A bill (S. 4910) granting certain lands to New Mexico College of Agriculture and Mechanic Arts for the purpose of conducting educational, demonstrative, and experimental development with livestock, grazing methods, and range forage plants; to the Committee on Public Lands and Surveys.

By Mr. ERNST:

A bill (S. 4911) for the relief of the Farmers' National Bank, of Danville, Ky.; to the Committee on Claims.

By Mr. HALE:

A bill (S. 4912) granting an increase of pension to Emily E. Patterson (with accompanying papers); to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 4913) granting an increase of pension to Mary Almira Pecor (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4914) amending the act approved August 30, 1890 (Stat. L., vol. 26, pp. 412-413), relative to proceedings for condemnation of land for public purposes; to the Committee on the District of Columbia.

By Mr. HAWES:

A bill (S. 4915) to amend the national prohibition act, as supplemented, to conform with the eighteenth constitutional amendment by permitting the use of alcoholic liquors for medicinal purposes; to the Committee on the Judiciary.

By Mr. WADSWORTH:

A bill (S. 4916) donating Revolutionary cannon to the New York State Conservation Commission; and

A bill (S. 4917) to amend section 5a of the national defense act, approved June 4, 1920; to the Committee on Military Affairs.

By Mr. WILLIS:

A bill (S. 4918) granting an increase of pension to Virginia Martin (with accompanying papers);

A bill (S. 4919) granting an increase of pension to Mary Ann Heller (with accompanying papers);

A bill (S. 4920) granting a pension to Lester L. Karns (with accompanying papers); and

A bill (S. 4921) granting an increase of pension to Mary E. Wilson; to the Committee on Pensions.

By Mr. WHEELER:

A bill (S. 4922) granting an increase of pension to Lucinda S. Chase; to the Committee on Pensions.

A bill (S. 4923) to amend the interstate commerce act, as amended, in respect of special contracts to furnish cars for loading with livestock; to the Committee on Interstate Commerce.

By Mr. McKELLAR:

A bill (S. 4924) granting a pension to William Estes; to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 4926) granting an increase of pension to Mary L. Wilson; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 4927) providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the

United States during the World War; to the Committee on Patents.

By Mr. MAYFIELD:

A bill (S. 4928) for the relief of Carl L. Estes; to the Committee on Claims.

By Mr. CARAWAY:

A bill (S. 4929) for the relief of Frank R. Garner, formerly second lieutenant, United States Army;

A bill (S. 4930) for the relief of James F. Dubberly;

A bill (S. 4931) for the relief of Little Rock College, Little Rock, Ark.; and

A bill (S. 4932) for the relief of Una May Arnold; to the Committee on Claims.

By Mr. BINGHAM:

A bill (S. 4933) authorizing an appropriation for public highways in the island of St. Thomas, Virgin Islands; to the Committee on Territories and Insular Possessions.

By Mr. McKELLAR:

A joint resolution (S. J. Res. 136) authorizing the use of a portion of that part of the United States National Cemetery Reservation at Chattanooga, Tenn., lying outside the cemetery wall, for a city pound, animal shelter, and hospital; to the Committee on Military Affairs.

HEIRS OF HAYM SALOMON (S. DOC. NO. 178)

Mr. McKELLAR introduced a bill (S. 4925) for the relief of the heirs of Haym Salomon, which was read twice by its title and referred to the Committee on Claims.

Mr. McKELLAR. In connection with this bill I ask unanimous consent to have printed as a Senate document the report of a former committee of the Senate, which it is now impossible to get except this one copy, and also a sketch of Mr. Salomon for the relief of whose heirs the bill is introduced, and also as a part of the Senate document an excerpt from a recent speech of President Coolidge.

The VICE PRESIDENT. Without objection, it is so ordered.

CHANGE OF REFERENCE

On motion of Mr. WADSWORTH, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 5082) for the relief of David Barker, and it was referred to the Committee on Naval Affairs.

BOARD OF VISITORS TO THE PHILIPPINES

Mr. BINGHAM submitted an amendment intended to be proposed by him to the bill (H. R. 4789) providing for the biennial appointment of a board of visitors to inspect and report upon the Government and conditions in the Philippine Islands, which was ordered to lie on the table and to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL

Mr. BLEASE, Mr. CAMERON, Mr. FLETCHER, Mr. McKELLAR, and Mr. RANDELL each submitted an amendment intended to be proposed by them to the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were severally ordered to lie on the table and to be printed.

IMPEACHMENT OF JUDGE GEORGE W. ENGLISH (S. DOC. NO. 177)

Mr. FESS. Mr. President, the impeachment proceedings in the case of Judge English involved some features that had never been introduced in an impeachment trial. I have a corrected copy of the proceedings in my hand, and I ask unanimous consent that it be printed as a Senate document.

Mr. CURTIS. I ask the Senator from Ohio if it has not already been printed?

Mr. FESS. No; not in document form. This copy was handed to me by the Committee on Printing with the request that it be printed.

There being no objection, the order was agreed to, and it was reduced to writing, as follows:

Ordered, That the proceedings in the Senate in connection with the trial of George W. English, United States district judge for the eastern district of Illinois, upon articles of impeachment exhibited against him by the House of Representatives, be printed as a Senate document.

HOUSE BILL REFERRED

The bill (H. R. 15009) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds, was read twice by its title and referred to the Committee on Finance.

REPORT OF SHIPPING BOARD

Mr. JONES of Washington. Mr. President, at the last session the Senate adopted a resolution requiring the Shipping Board to submit a report with reference to shipping, and under that resolution the board was required to submit the report by the 1st day of January, 1927. The board advise me that they would like just a little more time. They have been working very hard and very diligently, but they feel that they ought to have 10 or 12 days more. So I offer a resolution extending the time for the submission of the report to January 12, and ask for its adoption.

The resolution (S. Res. 303) was read and agreed to, as follows:

Resolved, That the time for filing by the United States Shipping Board of its report under Senate resolution No. 262 be, and it is hereby, extended to January 12, 1927.

RIVER AND HARBOR BILL

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. HOWELL. Mr. President, in the course of my remarks on Saturday I pointed out that the Cape Cod Canal has been in operation 12 years; that it is the most commodious canal in the Western Hemisphere excepting only the Panama Canal; that it has a depth of 25 feet, whereas there is not another of our coastal canals that has a depth greater than 12 feet; that any funds which Congress may see fit to appropriate for canal purposes should be utilized for the deepening or construction of other canals rather than for the purchase of the Cape Cod Canal; that the Cape Cod Canal is essentially a commercial enterprise and of no particular military value unless fortified at each entrance, an expense which the General Board of the Army and Navy do not deem justified by the possible resulting military advantages; that the Cape Cod Canal passes more vessels than any other canal in the world and yet is a financial failure because of nature's competition—the Atlantic Ocean; that a ship using the canal must pay tolls, whereas it is possible to extend the voyage 56 miles via the open sea, thus avoiding all tolls; that of all the vessels passing this salient of our coast which can be accommodated by the Cape Cod Canal, but 29 per cent utilize the canal, 71 per cent refusing to do so; that as a consequence the canal company has been confronted with an annual deficit each year since the canal was opened averaging more than \$500,000 per annum; that the discovery that there was no hope for the financial success of the enterprise was made 10 years ago; that ever since that time the promoters of the canal have been endeavoring to unload their white elephant upon the Government of the United States, and thus relieve themselves not only of their annual losses but of their accumulated losses; that the canal's estimated net earnings for last year will pay interest at the rate of 7½ per cent on less than \$2,000,000, and yet it is proposed in the pending rivers and harbors bill to authorize the purchase of the property for \$11,400,000; that not only has this proposed purchase been persistently lobbied for by the canal associates, the promoters of this enterprise, but in addition by the Eastern Steamship Lines (Inc.), of Boston, which pays 67 per cent of all the tolls collected by the canal; that the interest of this steamship company is to obviate the payment of tolls, because it is not only proposed to purchase the canal, but to make it a free canal; that if this purchase proposal is finally adopted by Congress the Eastern Steamship Lines (Inc.) will be enabled through the resultant savings in tolls to declare a stock dividend of about 100 per cent to its stockholders.

I can understand the desire of the Cape Cod Canal associates to stop and recoup their losses by unloading their white elephant upon the American people. I can understand and appreciate the desire of the Eastern Steamship Lines (Inc.) to have the canal taken over and made free so as to relieve them from an expense of \$281,000 a year, the amount of tolls this company is now paying for the use of the canal, or two-thirds of all tolls collected. I can also appreciate the interest of the people of Massachusetts in having the canal purchased, even at an exorbitant price, as it is also proposed that the United States Government, besides paying \$11,400,000 for this enterprise, is to widen and deepen the canal and make other improvements at the expense of an additional \$20,000,000.

But, Mr. President, ought we not to regard the interests of the people of the United States in the matter? Ought we to

allow the Cape Cod Canal associates to extend their hands into our Treasury and recoup their losses to the extent of \$10,000,000? If we must buy the canal, let us pay therefor no more than that for which the canal associates could sell their property in the market place.

Mr. President, we have been talking about getting the Government out of business. It has been urged that to accomplish this end we should sell the great Muscle Shoals power plant, an enterprise that has tremendous earning potentialities, as witnessed by the persistent efforts of the great power interests of this country to secure control thereof. If this is our policy, why should we make an exception in the case of the Cape Cod Canal? Why should we, to avoid public ownership, get rid of Muscle Shoals, and in practically the same breath take on public ownership in connection with the Cape Cod Canal?

Mr. President, in my opinion we should not buy the canal. Its income is ample to keep it in repair and afford service. It is under the control of the Massachusetts Public Service Commission, and if it is not in repair it is because the commission fails to perform its duty. The Cape Cod Canal earns enough every year to pay all costs of operation and maintenance and a small profit, but it does not earn enough to pay cost of operation, maintenance, and then a reasonable return upon \$11,400,000.

Mr. President, I have offered an amendment to the bill which is in the nature of a substitute for the present second section of the rivers and harbors bill so far as the Cape Cod Canal is concerned. It provides that we shall pay therefor an amount of money equal to the net earnings capitalized at 7½ per cent; in other words, that we buy it as a 7½ per cent commercial proposition. I have utilized 7½ per cent because the Congress allows the Public Service Commission of the District of Columbia to compel the people of the District to pay 7½ per cent upon the capital invested in the privately owned electric-light plant, gas plant, and street-railway systems.

In other words, they adopt 7½ per cent as a reasonable return for those corporations. Now, if Congress allows 7½ per cent as a reasonable rate of return when the people buy service from a privately owned public utility, then Congress, where it has the power as in this case, should insist that in buying a public utility the people pay not more than a sum equal to the net earnings capitalized at 7½ per cent.

That is the purpose of my amendment. It is a simple amendment. It is upon the desks of Senators. I now offer the amendment.

Mr. MOSES. May we have the amendment read?

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). The clerk will read the amendment.

The CHIEF CLERK. The Senator from Nebraska proposes, on page 11, to strike out line 11 and through line 12, on page 13, and insert in lieu thereof the following:

SEC. 2. (a) The contract dated July 29, 1921, executed by the Boston, Cape Cod & New York Canal Co., and transmitted to Congress by the Secretary of War and printed in House Document No. 139, Sixty-seventh Congress, second session, is hereby ratified on condition that such company files with the Secretary of War its consent in writing that such contract be modified so as to provide that the total to be paid by the United States on account of such contract shall not exceed a sum such that 7½ per cent thereof equals the net annual income of the canal owned by said Cape Cod & New York Canal Co., said net annual income to be computed as follows: From the annual average gross earnings of said canal for the three years preceding January 1, 1927, there shall be deducted a one year's expense for operation, maintenance, and depreciation. Such one year's expense on account of operation, maintenance, and depreciation shall be estimated by the Chief of Engineers, United States Army, as the amount that ordinarily would be necessary (1) to maintain indefinitely such canal in first-class condition, and (2) to provide satisfactory service at all times. The remainder, after such deduction, shall be deemed the net annual income.

(b) Such sum as may be necessary is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, for the acquisition by purchase, in accordance with the terms of such contract, modified as provided in subdivision (a) of this section, of the Cape Cod Canal and other property referred to in paragraph 1 of such contract.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. HOWELL].

Mr. FLETCHER. Mr. President, the Senator from Nebraska probably has made some calculations in reference to this

matter. Can he tell us what would be the price in dollars and cents under his amendment?

Mr. HOWELL. Yes, sir. The earnings of the Cape Cod Canal Co. have been decreasing since 1923. They were \$478,458.59 in 1923; in 1924 they were \$445,757.55, a decrease of about \$33,000; in 1925 they were \$419,463.70, a decrease from 1923 of about \$59,000. This amendment proposes that we shall take the average income of this canal for the last three years and deduct therefrom the cost of operation and maintenance and the amount of depreciation as estimated by the Chief of Engineers of the United States Army, the allowance for maintenance and depreciation to be such as indefinitely to keep the canal in first-class condition for service.

The net earnings for 1925 were anywhere from a minimum of \$119,000 to a maximum of \$169,000. On that basis the canal would be valued anywhere from \$1,586,000 to \$2,253,000. The owners of the Cape Cod Canal would receive more than this property is worth upon a market basis, because no individuals would buy the property on a $7\frac{1}{2}$ per cent basis. An indifferent public utility can not usually be sold on a basis of less than 8 per cent. I have adopted $7\frac{1}{2}$ per cent, as previously stated, because $7\frac{1}{2}$ per cent is what Congress allows the Public Utilities Commission here in Washington to fix as the rate of return that must be paid by the people to the electric light company, the gas company, and other utilities. Certainly a rate that is fair in such circumstances is also fair when it comes to buying such a utility.

We are not trying to buy this property, Mr. President. What I mean by that is that the Government has not been seeking to purchase. The canal associates have been confronted on an average with a deficit of more than \$500,000 a year from the time the canal opened. Now they feel they must "get out from under"; but, of course, there is no one in this country who would relieve them of their losses, except possibly the United States Government. I say "possibly" because it seems that there is a sentiment here, that has been expressed, that in some way we ought to take care of these poor fellows.

There are 20 canal associates who own 93 per cent of the stock of the Cape Cod Canal Construction Co. In addition, they own 98 per cent of the bonds of the canal company and 90 per cent of the stock of the canal company; in fact, they are the owners. They are 20 in number. Nineteen of them all have business addresses in the financial district of New York City. The twentieth is Rothschild & Sons, of London. Of course, they want to recoup their losses, and especially are certain of these associates interested, because it has developed that in the course of the conduct of the enterprise the canal company needed to borrow about \$2,500,000 from the Guaranty Trust Co. of New York City. Of course, the canal company was bankrupt and could not borrow the money until certain of the associates indorsed the notes. Some of them are on those notes for \$250,000 each. If this bankrupt concern shall go the usual route of all bankrupt concerns, through the hands of a receiver, and the property ultimately sold at sheriff's sale, the associates on these notes will have to pay. That is why they are here in Washington. They are begging Congress to save their pocket-books. They are here endeavoring to sell a property which they can not sell elsewhere. The canal is hopeless; they have expressed themselves to the effect that they are hopeless, and that the canal is too big an enterprise for them to carry on. If a merchant here in Washington embarks in business and makes a failure, does he think of appealing to Congress for relief to make good his losses? No; he knows he would be laughed at; but not so with the canal associates.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New York?

Mr. HOWELL. Certainly.

Mr. COPELAND. Is there not a marked difference between a merchant engaged in a purely private business and a canal company which is doing a public service? I do not think the Senator is quite fair, if he will permit me to say so, in using that illustration.

Mr. WILLIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. HOWELL. I yield to the Senator from Ohio.

Mr. WILLIS. I was just going to suggest, in response to the inquiry of the Senator from New York, that we might take, then, as an illustration a railroad, which is an organization rendering a public service, or take the case of traction lines throughout the country. It is a matter of common information that there are numerous utilities which are practically defunct,

particularly street railway or interurban lines, and many railroads of a certain class. It seems to me that the argument of the Senator from Nebraska is perfectly good as applied in those cases. Persons who have invested their money in interurban lines and have lost that money do not come to the Government and say, "Take this off our hands"; or if they did make such a request, it would meet with an unfavorable response. Furthermore, take the case of steam railroads. There are scores of them not on a paying basis, but their stockholders do not rely upon the Government to make their losses good. Why should the stockholders of this agency of transportation come to the Government?

Mr. COPELAND. Mr. President, if the Senator from Nebraska will permit me, let me say that I regard the activities of a railroad, which is a common carrier and rendering a public service in a sense, particularly such a railroad as the Senator from Ohio has in mind, as a purely local interest, serving a local purpose.

Mr. WILLIS. No; not at all.

Mr. COPELAND. Just a moment. If I regarded the Cape Cod Canal as being of no greater proportionate service to the public than some street railway line or some small railroad somewhere I never would vote for it in the world; but I regard the Cape Cod Canal as already rendering a great national service and capable of rendering a tremendously increased service to the Nation. With its development I can see how in the matter of the national defense it may become of the greatest value, and, in the transportation of our commerce; to be able to take a ship through smooth water up the coast is of greatest interest to us and tremendously important to our commercial development.

Mr. WILLIS. If the Senator from Nebraska will yield further, why is it then that only 30 per cent of the traffic uses the canal that is now in operation?

Mr. COPELAND. Because the canal is not deep enough or broad enough.

Mr. WILLIS. It is the deepest canal on the Atlantic coast and one of the deepest on the American Continent, having a depth of 25 feet. How much deeper should it be?

Mr. COPELAND. I am not competent to answer the question, but I am competent to read the testimony, and I have ascertained that it is the testimony of experts that the canal must be enlarged to render the greatest service of which it is capable. The enlargement can not be made—I agree with the Senator from Nebraska as to that—by private interests; it is too large a transaction.

Mr. HOWELL. Mr. President, I wish to say to the Senator from New York that 70 per cent of all the vessels that pass up and down the Atlantic coast can pass through the Cape Cod Canal; but 71 per cent of all those vessels that can pass through the Cape Cod Canal refuse to do so. Only 29 per cent of the vessels which the Cape Cod Canal can accommodate utilize that waterway, and two-thirds of these vessels belong to one company—the Eastern Steamship Lines (Inc.), of Boston, Mass.—at least, that company pays 67 per cent of all the tolls earned by the canal.

Mr. COPELAND. Will not the Senator be good enough to tell us why the canal is not used by the other companies?

Mr. HOWELL. It is not used, because we have here a case of competition that Congress can not shut out, as it has shut out competition in railroad rates in this country; competition which no monopoly can wipe out. It is the competition of the Atlantic Ocean. Here is the Atlantic Ocean extending along the coast, and here is the canal that makes a cut-off of 56 miles. Seventy-one per cent of all the vessels that could use that canal prefer to go outside rather than pay the tolls charged; in other words, the canal promoters have not been able to collect the rate of tolls they thought they could collect, and they have not secured the business they expected. As a consequence the enterprise has been a financial failure. According to the statement of the president of the company, the enterprise has accumulated a floating debt of \$10,000,000, and they are here asking Congress to relieve them of their losses. "Help us out! Help us out because this is a canal!"

Should we help out the Milwaukee Railroad? Under the reorganization plan, as I understand it, the common stockholders of the Milwaukee Railroad will be assessed \$32 a share. Why should not Congress allow the stockholders of the Milwaukee Railroad to extend their hands into our Treasury? That is a public utility just as this canal.

Mr. President, I am sorry to say it, but I have not a doubt that the canal associates—who are some of the leading financiers of New York City—have been liberal contributors to the

campaign funds of both the Republican and Democratic Parties. I do not mean to intimate that such contributions knowingly influence a Senator on this floor, but not so with party organizations.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. HOWELL. Certainly.

Mr. COPELAND. I have understood that it is very desirable to have large contributions if you are running for office; but I want to say now to the Senator that I have not had any contributions from these associates. They do not contribute to my party, and my party is not influenced by such contributions.

Mr. HOWELL. Mr. President, I hope the Senator will realize that I was not casting any reflection of a personal character.

Mr. COPELAND. I am sure of that.

Mr. HOWELL. But the Senator knows that there is just one way that these great financial interests have of making their influence felt. They adopt a precept from the Bible, "Cast thy bread upon the waters."

Mr. COPELAND. Mr. President, if the Senator will yield further, if we were going to go into that discussion, we might think, not meaning the Senator at all, that some persons are in opposition to the canal because the associates have not contributed.

Mr. HOWELL. Contributions, if made, were probably made, as in Illinois, to both sides.

Mr. COPELAND. Aside from that, however, let me ask the Senator to go back for just a moment in his discussion. He was speaking about the matter of tolls. I assume that if this canal is purchased by the Government there will be no tolls; that it will be freely used by all who desire to make use of it. That, as I see it, is the reason why it has not been used more extensively in the past. If this canal is made highly effective, developed physically as it should be, and the tolls are done away with, in the very nature of things practically every vessel going up the coast will make use of the canal. Then there will be a saving in time and in the expense of transportation of articles carried in commerce; there will be a saving of life, because vessels will avoid the dangers of going around the cape; there will be many advantages, plus the military advantage that this improved canal may be to the country.

Mr. HOWELL. Mr. President, I have largely met the evident desires of the distinguished Senator from New York. Although I do not believe that we ought to purchase the Cape Cod Canal, in view of the economy program of the administration, because we have the canal—it is being utilized constantly; more ships pass through it than any other canal in the world—nevertheless, notwithstanding my belief in this respect, I have offered an amendment to this bill that does not contemplate not buying the canal, but merely contemplates buying it at a fair and reasonable price; and I ask the Senator from New York to join me in providing that the people of this country shall not pay more for the canal than its owners could obtain for it in the market places of the world.

Mr. BRATTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Mexico?

Mr. HOWELL. I yield.

Mr. BRATTON. I understood the Senator from Nebraska to say on Saturday that the Board of Engineers for Rivers and Harbors had reported that this canal is worth two and a half million dollars as a commercial investment.

Mr. HOWELL. Yes, sir.

Mr. BRATTON. It is proposed here that we invest eleven and a half million dollars as the original cost price of it, to be followed by certain improvements which may increase the price to the Government to upward of \$25,000,000. I do not hesitate to say that I am not in favor of buying the canal. I am not in favor of investing money that recklessly and that ill-advisedly. I am in favor of any amendment which will cut down the cost price, because I want to minimize the evil if we can not dispense with it entirely. So I am very much interested in the Senator's amendment. Has the Senator calculated how much his amendment will decrease the cost and what proportion of the improvident surplus will be dispensed with?

Mr. HOWELL. I have, Mr. President.

Mr. BRATTON. I for one should like to have the figures, and I believe some of the others in the Chamber would like to know also, because if there is any justification for paying \$25,000,000 for a project that is reported to be worth two and a half millions as a commercial investment I should like to hear the justification for it.

Mr. HOWELL. Mr. President, I will answer the Senator as to what the cost of this canal would be to the United States Government if we bought it on the basis of capitalizing its net income at, say, 7½ per cent.

Mr. BRATTON. Under the Senator's substitute.

Mr. HOWELL. The price we would pay would be somewhere between \$1,600,000 and \$2,250,000.

Mr. BRATTON. Well, that will help the American people some.

Mr. WILLIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Lenroot	Shortridge
Bayard	Frazier	McKellar	Simmons
Bingham	George	McLean	Smith
Blease	Gerry	McMaster	Smoot
Bratton	Gillett	McNary	Stanfield
Broussard	Goff	Mayfield	Steck
Bruce	Gooding	Metcalf	Stephens
Cameron	Gould	Moses	Stewart
Capper	Hale	Neely	Swanson
Caraway	Harrell	Norris	Trammell
Copeland	Harris	Oddie	Tyson
Couzens	Harrison	Overman	Wadsworth
Curtis	Hawes	Pine	Walsh, Mass.
Dale	Heflin	Pittman	Walsh, Mont.
Deneen	Howell	Ransdell	Warren
Dill	Johnson	Reed, Pa.	Weller
du Pont	Jones, N. Mex.	Robinson, Ind.	Wheeler
Edge	Jones, Wash.	Sackett	Willis
Edwards	Kendrick	Schall	
Ferris	Keyes	Sheppard	
Fess	King	Shipstead	

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, there is a quorum present.

Mr. GOODING. Mr. President, I send to the desk an amendment I desire to offer to the pending bill, and I ask that it be read. I understand, of course, that it can not be considered until all the committee amendments to the bill shall be disposed of.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will read.

The CHIEF CLERK. Amendment intended to be proposed by Mr. GOODING: On page 22, after line 3, insert a new section, as follows:

SEC. 6. Section 4 of the Interstate commerce act, as amended, is hereby amended by adding thereto a new paragraph, as follows:

"(3) No common carrier shall be authorized to charge less for a longer than for a shorter distance for the transportation of passenger or of a like kind of property over the same line or route in the same direction, the shorter being included within the longer distance on account of water competition through the Panama Canal, either actual or potential or direct or indirect: *Provided*, That such authorizations, on account of water competition through the Panama Canal, as may be lawfully in effect on December 7, 1925, shall not be required to be changed, except upon the further order of the commission: *And provided further*, That the provisions of this paragraph shall not apply to rates on import and export traffic, including traffic coming from or destined to a possession or dependency of the United States."

Mr. GOODING. Mr. President, I will ask Senators to take notice that this amendment to the river and harbor bill amending the fourth section of the interstate commerce act by denying the Interstate Commerce Commission the right to permit the railroads to charge more for the shorter haul than for the longer haul for the same class of freight moving in the same direction only applies to the traffic on the transcontinental railroads as to coastwise shipping passing through the Panama Canal.

This amendment does not change any of the existing violations of the fourth section of the interstate commerce act that were in effect on December 7, 1925, given to the transcontinental railroads to meet coastwise traffic through the Panama Canal, and it especially provides it shall not apply to imports or exports.

This amendment does not affect in any way the railroads east of Chicago or the railroads south of Chicago; for every violation that has been given by the Interstate Commerce Commission to meet coastwise traffic through the Panama Canal has been given to the transcontinental railroads in favor of the city of Chicago. This amendment to the fourth section of the interstate commerce act is radically different from any amendment that has ever been considered in Congress since the interstate commerce act was passed, for all of the bills that have been considered in Congress amending the fourth section of the interstate commerce act that I know any-

thing about have been general in character and denied the Interstate Commerce Commission the right to permit the violation of the fourth section of the interstate commerce act on every railroad in the United States.

If this amendment shall be agreed to and become a law, it will protect the Panama Canal, as far as coastwise shipping is concerned, from the selfish interests of the transcontinental railroads. All of the transcontinental railroads fought the building of the Panama Canal. "Jim" Hill used to boast at public meetings that before the transcontinental railroads got through their fight against the Panama Canal pond lilies would be growing in its channel; and if the transcontinental railroads could have their way, that would be true as far as our coastwise transportation is concerned through the Panama Canal.

At a joint meeting of the general freight agents of the transcontinental railroads and members of the Western Intermediate Rate Association at Salt Lake City, three years ago, Mr. Blakely, general freight agent of the Northern Pacific, made the statement that the building of the Panama Canal was a mistake as far as the West was concerned, and that it should be filled up. I was present at that meeting and branded Mr. Blakely's statement as un-American, for the Panama Canal is a mighty factor in the defense of this country, and it should be permitted to be a mighty factor in the coastwise business between the East and West and in reaching the markets of the world.

Mr. President, the people of the intermountain country have always insisted that those who dominated the policy of the transcontinental railroads have never been interested in the development of the interior territory of the West, and that is shown very conclusively by a statement made by Col. Alfred Thom, who represents all of the railroads in the United States here in Washington and is known as the greatest railroad lobbyist this country has ever produced. I say the greatest railroad lobbyist this country has ever produced, for Colonel Thom, since I have been in the Senate in the last six years, has a record of practically 100 per cent. No legislation that he has opposed has been passed, with the exception of the Smith-Hoch resolution, which called upon the Interstate Commerce Commission to make an investigation of the increase in freight rates the farmers of this country are forced to pay; but up to the present time the farmers have not received any benefit from that legislation.

When Colonel Thom appeared before the Interstate Commerce Committee of the Senate in opposition to Senate bill 575, which was the long and short haul bill defeated in the first session of this Congress, he read a prepared statement of his objections to Senate bill 575. So, I dare say, Mr. President, that that statement made by Colonel Thom had the approval of those who direct the policy of the transcontinental railroads.

It is a well-known fact that the bankers of Wall Street dominate the policy of the transcontinental railroads. If we had to deal only with the men who operate the railroads and who live in the intermountain country, we would not be suffering with any violations of the fourth section of the interstate commerce act in the interest of the great cities on the Pacific coast and in the interest of the great city of Chicago.

I now quote from Colonel Thom's statement:

Now, the only complaint, it seems, that can be made of the policy of the railroads is that they have not agreed with the intermountain country as to the prospects of developing that country for jobbing or manufacturing purposes. They have believed that they are not in a position to compete with the more favorable situation of the coast in that respect.

Of course, Mr. President, we never shall be in a position to compete with the great cities of the Pacific coast as long as we are forced to meet a discrimination in freight rates.

Mr. President, there is no misunderstanding between the people of the intermountain country and those who dominate the policy of the transcontinental railroads. Colonel Thom's statement made before the Interstate Commerce Committee of the Senate in opposition to Senate bill 575 only helped to give the people of the intermountain country a better understanding of those who dominate the policy of the transcontinental railroads toward the interior territory of the West.

I sometimes wonder what the people of the interior territory of the East would say, and what the people of the interior territory of the South would say, if Colonel Thom were to say to them that the railroads did not believe they were in a position to compete with the more favorable situation of the cities on the Atlantic coast and the cities on the South Atlantic coast with respect to jobbing and manufacturing.

If such a condition were forced on the people of the interior territory of the East and the people of the interior territory of the South, it would bring about a revolution in this country, for such a policy as that is nothing less than tyranny, and is on a par with the policy forced on the Colonies by England for a hundred years before the Revolutionary War. For a hundred years before the Revolutionary War England denied the Colonies the right to manufacture their raw materials into the finished products, or to trade with the world, or to ship their raw materials to any country other than England. William Pitt, a friend of America, said in the British Parliament that the Colonies did not have the right to manufacture a horseshoe nail without the permission of the British Government.

This Government, Mr. President, might just as well pass legislation denying the interior territory of the West the right to manufacture their raw materials into the finished products as to permit those who dominate the policy of the transcontinental railroads, through the Interstate Commerce Commission, to force a discrimination in freight rates on the people. The West will never accept such a policy, and this fight will go on until there is but one policy for all the people in this country in transportation. It seems to me that every Senator should agree on this matter of transportation, that there should be but one policy for the whole country, regardless of whether it is in the East or the West, the North or the South.

The river and harbor bill as reported to the Senate was on a par with the violations of the fourth section of the interstate commerce act that have been forced on the West by this Government for nearly half a century. We have spent \$1,300,000,000 in the improvement of our rivers and harbors, yet in practically all of the improvement of rivers and harbors in the West the people have been forced to contribute dollar for dollar with the Government, while in most of the great projects for river and harbor improvements in the East the people have not been asked to contribute a single dollar toward the improvements.

Mr. President, a country whose constitution guarantees to every citizen equal rights and equal justice can not afford to have one policy in the improvement of our rivers and harbors and in the regulation of our railroads in the East and another policy in the West. The best interest of this Government demands that in the future there should be but one policy in transportation and in the improvement of our rivers and harbors for all the people.

All the West is fighting for is a square deal in freight rates; against discriminations that have been given in favor of the great cities on the Pacific coast and to the great city of Chicago. Strange as it may seem, Mr. President, Colonel Thom, the greatest railroad lobbyist this country has ever produced, drawing a salary, I am told, of \$50,000 a year, and who earns millions for the railroads, now has his propaganda at work calling on commercial bodies in those States that are not interested in this legislation to wire their Senators to oppose this amendment to the river and harbor bill.

I doubt very much, Mr. President, if many of these commercial bodies who are wiring their Senators know anything about this amendment, for I am not ready to believe that there are many commercial bodies in this country which would wire their Senators to vote against legislation which in no way affects their interest; but I am sure, Mr. President, that Senators who are receiving these telegrams from States that are not interested in this legislation will not be influenced by the propaganda of this great railroad lobbyist, who maintains a great force here in Washington to direct railroad legislation for the railroads of this country.

The PRESIDING OFFICER. The Senator from Idaho will suspend for a moment. The hour of 2 o'clock having arrived the Chair desires to call to the attention of the Senate the unanimous-consent agreement entered into on June 30, 1926, that after the hour of 2 p. m. on the calendar day of December 20, 1926, no Senator shall speak more than once or longer than one hour upon the bill, or more than once or longer than 30 minutes upon any amendment thereto. The Senator from Idaho will proceed.

Mr. GOODING. Mr. President, any part of this country whose jobbing interest and manufacturing interest is impaired by discrimination in freight rates can never hope to develop its resources or to have any great wealth or any great population. As long as that policy exists toward the interior territory of the West, the Northwest, and the Southwest, which Colonel Thom admits does exist, in his statement before the Interstate Commerce Committee of the Senate on Senate bill 575, the great interior territory of the West, the Northwest, and

the Southwest must always remain largely agricultural and pastoral, for capital will never invest in any industry in any State in the Union where there is a discrimination in freight rates, or even a threatened danger of discrimination in freight rates.

Mr. President, out in the West, the Northwest, and the Southwest is produced 25 per cent of the world's gold, 40 per cent of the world's silver, 30 per cent of the world's lead; 42 per cent of the world's copper, 40 per cent of the world's aluminum, and 60 per cent of the world's oil; and out in that vast territory is to be found most of the standing timber that is left in America to-day. Out in the mighty West there are great coal deposits, great iron deposits, and great mineral deposits of every kind known to this civilization. Yet with all our mighty resources in the West there is hardly a manufacturing institution in that great territory worthy of that name.

Mr. President, few if any public questions have been discussed so much in Congress as the violation of the fourth section of the interstate commerce act, for at almost every session of Congress since the interstate commerce act was passed on February 4, 1887, bills have been introduced in Congress which denied the Interstate Commerce Commission the right to permit the railroads to charge more for the shorter haul than for the longer haul. Some amendments have been adopted which the friends of those measures believed would in a large measure stop the discrimination in freight rates toward the West, but when those amendments were passed on by the Interstate Commerce Commission they became dead letters.

On June 18, 1910, the fourth section of the interstate commerce act was amended, and that amendment denied the Interstate Commerce Commission the right to permit any violation of the fourth section of the interstate commerce act except in special cases after investigations were made. The debates in Congress lead to the conclusion that "special cases" meant exactly what the words implied; that the commission should have the authority to grant relief only in special cases after hearings and investigations had been made. The records of the Interstate Commerce Commission show conclusively, Mr. President, that the Interstate Commerce Commission paid little, if any, attention to the amendment of 1910, for I find that from June 1, 1910, to February 4, 1924, there were 6,604 fourth-section violations that had been granted without hearings or investigation, and during that same period there were only 303 applications granted where hearings had been held or investigations made.

On February 28, 1920, section 4 of the interstate commerce act was further amended by adding the words:

But in exercising the authority conferred upon it in this proviso the commission shall not permit the establishment of any charge to or from the more distant point that is not reasonably compensatory for the service performed; and if a circuitous rail line or route is, because of such circuitry, granted authority to meet the charges of a more direct line or route to or from intermediate points on its line, the authority shall not include intermediate points as to which the haul of the petitioning line or route is no longer than that of the direct line or route between the competitive points; and no such authorization shall be granted on account of merely potential water competition not actually in existence.

Mr. President, when the fourth section was amended by the act of 1920, providing that no violation should be permitted unless the rate was reasonably compensatory and that no authorization should be granted merely because of potential water competition not actually in existence, it was thought by those who had been fighting against the violation of the fourth section that they had won a great victory.

It was believed and argued by friends of the measure on the floor of the Senate that a compensatory rate must mean a rate that would enable the railroads to pay operating expenses and give a fair return on the capital invested; but the Interstate Commerce Commission has never defined the meaning of a compensatory rate when permitting violations of the fourth section of the interstate commerce act. Some of the commissioners have argued that a reasonably compensatory rate may mean any rate that is not an out-of-pocket rate, and an out-of-pocket rate may mean any rate that earns just a little above the cost of operating a train; and in view of the fact that the Interstate Commerce Commission has permitted violations of the fourth section where only potential water competition exists, the West believes that unless this amendment can be adopted, which will stop the violation of the fourth section of the interstate commerce act as far as the Panama Canal is concerned, there is very little, if any, hope for the future development of the interior States of the West

or for the protection of our coastwise shipping through the Panama Canal.

I am not going to take the time of the Senate to discuss to any extent violations of the fourth section of the interstate commerce act which have been permitted. I have a few here that I want to call to the attention of the Senate to show how little attention the Interstate Commerce Commission has paid in the past to a compensatory rate.

I have, for instance, the rate on canned goods from San Francisco to Dunnigan, Calif., a distance of 102 miles. The rate is 31½ cents per hundred. The earnings on a car on the car-mile basis are \$1.85 per car-mile; total earnings of a car from San Francisco to Dunnigan, \$189. Next is a violation permitted over what is called the Shasta route from San Francisco to Portland, Oreg. The distance from San Francisco to Portland is 745 miles. The rate is 28½ cents per hundred pounds, 3 cents less for a haul of 745 miles than for a haul of 102 miles. The car from San Francisco to Portland earns 22.9 cents per car-mile as against \$1.85 per car-mile from San Francisco to Dunnigan, Calif. The charge is \$170.60 for the haul from San Francisco to Portland. The town of Raygold, Oreg., 425 miles from San Francisco, pays a rate of \$1.03 per hundred, and the car earns \$1.45 per car-mile. The people of Raygold, Oreg., pay \$619 for their car of canned goods, while, if they lived in Portland, they could have it hauled almost twice the distance for \$189 per car.

Surely, Mr. President, if the rate of 28½ cents per hundred to Portland, Oreg., is a compensatory rate, then the rate from San Francisco to Dunnigan, Calif., is an unreasonable rate and an unjust rate. So I maintain that the Interstate Commerce Commission pays very little, if any, attention to what is a compensatory rate, and the amendment of 1920 is without force or effect so far as the people of the West are concerned.

My amendment does not effect those violations at all, nor does my amendment effect any violations of the fourth section of the interstate commerce act now in existence given to the transcontinental railroads to meet transportation through the Panama Canal.

Gold Hill, which is 431 miles from San Francisco, has a rate of \$1.04 a hundred. The people living there pay \$624 freight for a car of canned goods as against \$170.60 which is paid by the people of Portland, Oreg.

In the case of automobiles from San Francisco to Medford, Oreg., which is 415 miles from San Francisco, the freight charge on a car is \$190.50, and each automobile pays \$63.50.

From San Francisco to Portland, Oreg., a distance of 746 miles, the freight charge for a car of automobiles is only \$72, and each automobile at Portland pays only \$24, with 300 miles longer haul than it is to Medford, Oreg.

Those are a few illustrations of discriminations. I am merely citing them in order to show that the people of the West have never had any benefit in compensatory rates from the amendment of 1920.

I desire now to call the attention of the Senate to a few violations of the fourth section through the Panama Canal, which are given to the Southern Pacific Railroad. Here is one on beans, the rate on which is 70 cents a hundred. This is from San Francisco and Los Angeles to New York. There are no beans grown in the city of San Francisco or in the city of Los Angeles, beans are grown out in the interior; but if a farmer in the interior wishes to ship his beans over the Southern Pacific Railroad he must pay \$1.05 a hundred. Before he could use this 70 cents a hundred rate the local freight must first be paid to San Francisco. It is these unreasonable duplications of service not only in this particular case but running all through in the marketing of farm products, which is responsible to-day for the high cost of living in America more than is anything else.

I will now take canned goods. I do not understand that many commodities are canned in San Francisco. They are produced and canned in the interior, but before those who were interested in the growing of the products which go into canned goods can get the benefit of this cheap rate which is given in competition with the Panama Canal they must ship to San Francisco, so it is only the jobbers of San Francisco who get the benefit of the 70-cent rate on canned goods, while, if the factories in the interior and the farmers ship their canned goods to New York, they are forced to pay a rate of \$1.05 per hundred.

These violations apply to Arizona and New Mexico and some parts of Texas, where the haul is from 600 to 800 miles shorter than the haul from San Francisco to New York. On dried fruit the rate is 80 cents per hundred from San Francisco to New York and \$1.25 per hundred from the interior of California and \$1.25 per hundred to the men who grow the fruit in the interior

of California, Arizona, and New Mexico. On rice the rate is 70 cents per hundred from San Francisco to New York, but from the interior of California, Arizona, and New Mexico the farmers pay 92 cents per hundred. They grow rice in Arizona and New Mexico, for those two States grow almost everything that grows on American soil, but the producers in the interior of California, Arizona, and New Mexico are forced to pay a freight rate of 92 cents per hundred while those who traffic in farm products can ship rice from San Francisco to New York for 70 cents per hundred.

These discriminations are an outrage and a crime under any civilized government, and I wish to say that this fight against them is going on until the condition shall be remedied, regardless of what the fate of this amendment may be.

Mr. President, when this Government undertook to regulate our railroads it assumed a mighty responsibility, for freight rates are a tax that the people must pay for the use of the railroads, and when that tax is controlled and regulated by the Government it should be a fair tax, a just tax, for all the people and a tax without discrimination to any part of the country.

When this Government permits railroad corporations to discriminate in the interest of some great city or some great industry as against smaller communities or smaller industries, then the Government no longer represents fairly and justly the interest of all its people in its regulation of the railroads.

Mr. President, when the Panama Canal was built the people of the interior territory of the West rejoiced; they believed the Panama Canal would be a mighty factor in the development of the intermountain country; but through discrimination and threats of discrimination in freight rates the Panama Canal has been of very little benefit in the development of the interior territory of the West. It has been a potent factor in the development of the coast cities of the West; but, so far as the interior territory of the West is concerned, the Panama Canal hangs as a nightmare over the people, and will remain so until Congress passes legislation which will deny the Interstate Commerce Commission the right to permit the railroads to charge more for the shorter haul than for the longer haul for transportation of freight coming into competition with the Panama Canal.

All the people of the interior territory of the West are fighting for, Mr. President, is that they may be accorded the same rights and the same opportunities to develop their resources that have been given to those States in the Union where the violations of the fourth section have never been permitted to impair their growth and development; just the same rights under the Constitution that other States enjoy; that is all we are asking for; that is all we are fighting for, and nothing more; and this fight will go on until the people of the interior territory of the West are relieved from discrimination in freight rates or a threatened danger of such discrimination.

Mr. President, the building of the Panama Canal cost this Government \$500,000,000, and it stands out as one of the great achievements of the world. When the Panama Canal act was passed in 1912, which is now section 6 of the transportation act of 1920, Congress denied the railroads the right to own or operate ships passing through the Panama Canal.

There is no doubt in my mind that it was the intention of Congress to protect the Panama Canal from the selfish interest of the transcontinental railroads. The coastwise business through the Panama Canal can only be protected by denying the Interstate Commerce Commission the right to permit the transcontinental railroads to violate the fourth section of the interstate commerce act in order to meet coastwise business through the Panama Canal, and that is just what this amendment proposes to do; that is all, and nothing more.

Mr. President, the West will be satisfied if this amendment shall be adopted and become a law. In that event we will accept the violations that are now in existence and wait patiently for the time to come when the whole country, in my judgment, will demand legislation that will deny the railroads the right to destroy or impair water transportation in every State in the Union.

I shall vote for this bill, because I believe in development of our inland waterways; for we have more great inland waterways in America than in any other country on earth. We have something over 25,000 miles of inland waterways that can be made useful for carrying the low-priced farm products and low-priced basic materials to our great markets in the East and the West, and to the markets of the world, with a freight rate of but little more than half of that which must be paid on our railroads to-day.

I am sure the work must go on for the improvement of our inland waterways, but they will not come into any great use until Congress removes all of the danger that exists from

the Interstate Commerce Commission permitting the railroads to charge more for the shorter haul than for the longer haul in order to meet water transportation. So far as the immediate use of our inland waterways is concerned, the Government might just as well pour its money into a rat hole as to spend it in the improvement of our inland waterways, for capital will never invest in river craft or in coastwise vessels so long as the railroads are permitted to violate the fourth section of the interstate commerce act or so long as there is even a danger of the violation of that section of the act.

We have developed an enormous traffic on the Great Lakes, but there has never been a violation of the fourth section of the interstate commerce act to impair traffic on those Lakes.

One of the best examples of which I know of water transportation on our inland rivers can be found on the Monongahela River. In 1889 the Government purchased the locks and dams—of which there were 15—on the Monongahela River; yet the part of this river that is used for transportation is only 135 miles. Every year there is transported on the Monongahela River something like 24,000,000 tons of freight, a greater traffic than is hauled by some of our transcontinental railroads.

Railroads cross the Monongahela at eight different points, but the Interstate Commerce Commission has never permitted a violation of the fourth section of the interstate commerce act to impair transportation on that river, and the great State of Pennsylvania very wisely enacted legislation to protect the Monongahela River by denying the railroads of that State the right to charge more for the shorter haul than for the longer haul within the State.

The Monongahela River has been a mighty factor in the development of the great steel industry at Pittsburgh. I am in full accord with what the Government has done on the Monongahela River and for the great steel industry of Pennsylvania. What I want, Mr. President, is that the Government shall continue that same policy in every part of the country; and if we are going to be the greatest factor in the trade of the world, it is essential that we carry out that policy in every State in the Union so that the low-priced farm products and the low-priced basic materials may be carried to market at a reasonable freight rate.

Mr. President, the greatest question that confronts every nation on earth is that of finding employment for its people. To-day it is said that England has more than 1,000,000 men out of employment; that Germany has more than 1,600,000 idle men; all of the old countries of Europe are struggling with the problem of unemployment.

Germany transports 55 per cent of her freight on her rivers and canals and all other countries of Europe have developed their inland waterways to a high state of efficiency. If we are to find steady employment for our own people in America we must develop our inland waterways to a high state of efficiency so as to give the low-priced farm products and the low-priced basic materials of the country cheaper transportation, for it is only through cheaper transportation, water transportation, that this country can continue to be the great factor that it is to-day in the trade of the world.

Mr. President, outside of the transportation on the Great Lakes, the Monongahela and the Ohio Rivers, we have but little water transportation in America to-day—only that which is conducted under the supervision of the Government on the Mississippi and the Warrior Rivers. To me, it is nothing less than a tragedy that this country, with its great inland waterways, must call upon the Government to make an experiment on the Mississippi and the Warrior Rivers to find out whether water transportation is practical and feasible on those two great inland waterways; for we demonstrated very clearly that transportation on those rivers was feasible and practical in the early history of this country, when they were a mighty factor in the life of the Nation itself; and until the railroads destroyed transportation on those rivers through the violation of the fourth section of the interstate commerce act they were always a mighty factor in the transportation of freight in America. All that is necessary, in my judgment, to bring back transportation on our inland waterways is to eliminate the danger of the violation of the fourth section of the interstate commerce act which has been so successfully used in this country by the railroads in destroying water transportation. Until we pass such legislation, our inland waterways are not going to come into any use that will be of benefit to the American people—only where they are protected.

In the East, Mr. President, fortunately there never have been any violations of the fourth section of the interstate commerce act, practically only in the West, and for a time in the South.

Mr. President, I offer for the RECORD a report made by Gen. T. Q. Ashburn, chairman of the board and executive of the

Inland Waterways Corporation. This report was made to the Secretary of War September 20. It is a brief report of his operations on the Mississippi and the Warrior Rivers for the last three years. I merely want to call the attention of the Senate to the losses on this river for 1923, 1924, and 1925, and the profit for 1926.

In 1923 the loss to the Government from the operations of the Inland Waterways Corporation was \$955,000.

In 1924 the loss was \$532,000.

In 1925 the loss was \$34,000.

In 1926 General Ashburn has been able to show a profit of \$347,632.04.

I ask to have this entire report printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

(Inland Waterways Corporation, owned by the United States (act June 3, 1924), governed by the Secretary of War; Brig. Gen. T. Q. Ashburn, United States Army, chairman of the board, executive)

WASHINGTON, D. C., September 20, 1926.

Memorandum for the Secretary of War:

From time to time I have shown you some comparative results of the operations of the Mississippi-Warrior service by the system in vogue under a Federal manager, located at New Orleans, and the present system of the Inland Waterways Corporation, where all functions of operation, traffic, and finance are controlled and coordinated for you through your executive, located in Washington, with the aid and suggestions of a most admirable advisory board, drawn from various localities throughout the country.

I now present to you for the attention of the interested public extracts from my report to you of September 7, 1926, showing the actual results of 1923, 1924, and 1925, and, at your suggestion, a forecast for the entire year of 1926.

The accompanying tables are in such form that the results of the respective years may be readily understood and compared by anyone.

The results given for 1926 are actual results for eight months and estimated results for the remaining four months, based upon the present favorable stage of the Mississippi River, unusual at this time of the year; the addition of 4 towboats and 29 barges to the floating equipment upon the Mississippi, and of 24 barges on the Warrior, the acquisition of the Ensley Southern Railroad, the continually increasing offerings of freight, all of which indicate that the operations of the Mississippi-Warrior service will net a handsome profit for 1926, over and including depreciation expenses.

During 1923 and the greater part of 1924 the operations were under a Federal manager. The reorganization became effective in August, 1924, but probably the full effect of the new order of business was not felt until some months later.

The table following is self-explanatory:

	1923	1924	1925	1926
Tonnage.....	979,772	1,071,848	1,142,219	1,353,146
Total revenues.....	\$2,846,485.74	\$3,503,751.59	\$3,939,931.28	\$5,131,721.57
Total expenses including depreciation.....	\$3,801,845.65	\$4,036,362.01	\$3,974,450.67	\$4,784,089.53
Net income:				
Loss, 1923.....				\$955,359.91
Loss, 1924.....				532,610.42
Loss, 1925.....				34,519.39
Profit, 1926.....				347,632.04

Included in this net income is an absorption of \$1,492,729.53 depreciation charges.

The increase in average revenue per ton in 1926 was 89 cents over 1923, 52 cents over 1924, and 34 cents over 1925. This is due to larger quantities of packet freight carried, greater public opportunities for utilization of the line, and, to some extent, to better division of accruing revenue from rail-water hauls, etc.

The maintenance and operation of vessels and terminal expenses on the Mississippi decreased 26 cents per ton in 1926 as compared to 1923. A similar comparison shows that the same expenses on the Warrior were 87 cents per ton less in 1926 than in 1923.

The decrease in overhead expenses for 1926 as compared with 1923 was 2 cents per ton on the Mississippi and 2 cents per ton on the Warrior. Increasing business always means increased overhead, and the fact that there has been an actual overhead saving in spite of the vast increase of business is noteworthy.

The consolidated total expenses per ton is expected to be 35 cents less in 1926 than in 1923.

The total net income on the Mississippi increased \$1.15 per ton in 1926 over 1923 by changing a loss of 49 cents per ton in 1923 to an estimated profit of 66 cents per ton in 1926.

On the Warrior the net deficit was decreased \$1.47 per ton in 1926 as compared to 1923.

A consolidated per ton comparison shows the total revenues increasing from \$2.90 per ton in 1923 to \$3.79 per ton in 1926, the

total expenses decreasing from \$3.88 in 1923 to \$3.53 in 1926, including depreciation, and a change in the net income from a loss of 98 cents a ton handled in 1923 to an actual profit of 26 cents per ton handled in 1926.

T. Q. ASHBURN,
Brigadier General, United States Army,
Chairman and Executive.

Mr. GOODING. General Ashburn appeared before the Interstate Commerce Committee of the Senate when it had under consideration Senate bill 575, known as the long and short haul bill. General Ashburn told a graphic story of his struggle with the railroads to make a success of transportation on the Mississippi and the Warrior Rivers. I want to read General Ashburn's statement before the Interstate Commerce Committee in those hearings. It is to be found on page 44 of the first part of the hearings on Senate bill 575.

I know of no man in America who has had so great an experience in the improvement of our inland waterways and in the navigation of our inland waterways as General Ashburn. If all the Senators could have heard General Ashburn's statement before the Interstate Commerce Committee of the Senate, in my judgment, there would not be a vote against this amendment to the river and harbor bill. In fact, I am satisfied that they would all be willing to vote for a general statute that would deny to the Interstate Commerce Commission for all time the right to permit the railroads to charge more for the shorter haul than for the longer haul to meet water transportation.

I quote General Ashburn, where he says:

The necessity for the passage of this act to me is so paramount that I am glad to have the opportunity of appearing here. I will probably be followed by rate experts. I do not claim to be a rate expert. You will have a mass of specific data presented to you that will befog you so that you will not know where you will stand unless you are a rate expert, and it takes from 30 to 40 years to become a rate expert.

There is a basic principle involved. Congress has decided that it is their intention to protect, foster, and develop waterways, and to foster and preserve in full vigor both rail and water transportation. I believe that Congress was in earnest when it gave that expression of its policy. I know it was in earnest when it created the Inland Waterways Corporation and placed upon it the necessity and the duty of enforcing this thing.

Now, as long as it remains in the power of the railroads to reduce their rates on account of actual competition to such a point that they can kill water transportation, water transportation can not come back. It is essential, as far as I can see, from a waterway standpoint, that the railroads should have said to them now and effectively: "You have used these practices in the past, but the time has come to stop them. When we said we meant to encourage the waterways we meant what we said. And you can no longer invoke this clause, the long-and-short-haul clause, because we intend to have water transportation come back." If that is done, then what are the railroads going to do? They are going to devote their energies to something beside destroying water transportation. You will find, if you could analyze it, that a large part of the so-called losses that the railroads have are losses which are due to rates which have been put in effect primarily to destroy water competition.

Senator GOODING. General, do you not think that they will turn their attention toward developing the interior?

Brigadier General ASHBURN. I hope so.

It is my opinion that if this bill is passed the creative genius of our railroad executives will soon find a way to build up our interior, not stifle it. Coastal cities are not great of themselves, but because of the interior behind them. If the concentrated efforts of our transcontinental lines be directed toward the development of our interior States, cities, and towns west of the Mississippi, into something besides agricultural, mining, or cattle centers, they will soon find in operation the pleasing cycle of cheap transportation resulting in the creation and development of manufacturing centers that will in turn feed our railroads and make them prosperous. They will find that by the proper use of our waterways (which is in cooperation and coordination with the railroads) they will be saved a very large part of the billion dollars a year they deem necessary to spend for the next 10 years to meet the increasing demands of transportation and increasing commerce, and to annihilate waterway transportation.

Mr. President, here is the greatest authority in America, who says that you might just as well put the money you are appropriating for rivers and harbors in a rat hole as to spend it on our inland waterways as long as the Interstate Commerce Commission is able to permit the railroads to destroy that investment. It is not at all strange that river and harbor bills are branded as "pork barrels."

Ah, Mr. President, everyone who knows anything about these rivers and harbors understands fully that these appropriations are made only to force the railroads to give the river points

cheaper transportation at the expense of the interior. Not only the interior territory of the South, but the interior territory of the West—and that is true as to the whole country—are forced to pay for those cities and those towns that are fortunate enough to have water transportation which largely is never used. We have rivers in this country where we are appropriating every year for maintenance on which there has not been a pound of freight transported for years. A policy of that kind is a disgrace to any government.

If there is any Senator here who thinks for a minute that these transcontinental railroads are suffering because of the Panama Canal, I want to call to his attention the increased transportation not only in the interior States of the West but in the whole country. It was said upon the floor of the Senate when this bill was first being considered that the railroads in this country to a very large extent, or many of them, had reached the point of saturation. I think that is true. Many of our railroads now have more tonnage than they can handle economically, and they should be relieved from carrying the low-priced farm products and the low-priced basic materials.

I offer for the RECORD a table showing the freight rates on commodities that have been handled on our railroads going back to 1890, when it shows that the railroads transported 76,000,000 ton-miles. I will just give the first figures. I want to show the tremendous increase that has been going on. In 1900 that had increased to 141,000,000 ton-miles. In 1910 it increased to 255,000,000 ton-miles. In 1920 transportation in this country had increased to 413,000,000 ton-miles. In 1926 transportation on the American railroads had reached the enormous figure of 447,408,700 ton-miles. That is fully half of all the traffic that is handled in the world. The transcontinental railroads have come in for their share, more than their share, of this increase in tonnage; so it can not be said that the Panama Canal has in any way impaired traffic on the transcontinental railroads.

I ask to have this entire table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Increased tonnage—Tons originated and ton-miles, Classes I, II, and III steam roads by years, 1890 to 1925, inclusive

Year ended June 30:	Ton-miles
1890	76,207,047,000
1891	81,073,784,000
1892	88,241,050,000
1893	93,588,112,000
1894	80,335,105,000
1895	85,227,516,000
1896	95,328,360,000
1897	95,139,022,000
1898	114,077,576,000
1899	123,667,257,000
Total	932,884,829,000
1900	141,596,551,000
1901	147,077,136,000
1902	157,289,370,000
1903	173,221,279,000
1904	174,522,090,000
1905	186,463,110,000
1906	215,877,551,000
1907	236,601,390,000
1908	218,381,555,000
1909	218,802,987,000
Total	1,869,833,019,000
1910	255,016,910,000
1911	253,783,702,000
1912	264,080,745,000
1913	301,730,291,000
1914	288,637,042,000
1915	277,134,816,000
1916	366,173,174,000
1917	398,263,062,000
1918	408,778,061,000
1919	367,161,371,000
Total	3,180,759,174,000
1920	413,698,749,000
1921	309,533,365,000
1922	339,945,894,000
1923	413,562,132,000
1924	391,981,043,000
1925	413,537,565,000
Total	2,282,258,748,000

Calendar year	Tons carried	Ton miles
1925	2,466,427,267	417,454,000,000
1926 (9 months)	1,889,633,000	326,026,750,000
1926 (3 months)	678,850,000	121,381,950,000
Total 1926	2,568,483,000	447,408,700,000

Mr. GOODING. Mr. President, in 1921 the Northern Pacific handled 17,000,000 tons, and in 1926, 23,000,000 tons, an increase, in round numbers, of 5,000,000 tons.

In 1921 the Great Northern handled 19,000,000 tons, and in 1926 it handled 36,000,000 tons, an increase of 15,000,000 tons.

The Milwaukee & St. Paul in 1921 handled 34,000,000 tons, and in 1926 handled 48,000,000 tons, an increase in the six years of 14,000,000.

The Union Pacific handled 28,000,000 tons in 1921 and 29,000,000 tons in 1926, an increase of 1,000,000 tons.

The Southern Pacific handled 24,000,000 tons in 1921 and 44,000,000 tons in 1926, an increase of 20,000,000 tons.

The Santa Fe handled 23,000,000 tons in 1921 and 40,000,000 tons in 1926, an increase of 17,000,000 tons.

The total increase above 1921 is 82,000,000 tons, or 55 per cent of an increase in six years. That was no greater on the transcontinental railroads than on any other railroads in the United States.

I wonder if there are any Senators who think the transcontinental railroads have suffered as far as earnings are concerned.

I have here the rates of income on the railroads, not the dividends they pay, because of section 15-a of the interstate commerce act. Very few if any of the Class A railroads are paying more than 6 per cent. There are hundreds of millions of dollars in the treasuries of the railroads to-day that by every right ought to be paid into the Treasury of the Government under the recapture clause of section 15-a of the interstate commerce act.

For instance, in 1916 the Santa Fe earned 11 per cent. I will not read the whole list, because it would take too long and my time is limited. In 1924 it earned 11.6 per cent and in 1925 it earned 12.3 per cent. Nineteen hundred and twenty-six was the greatest year in the history of all the railroads, as is indicated by the increase in transportation I have shown, amounting to something like 34,000,000,000 ton-miles over 1925.

For maintenance of way and structures the Santa Fe Railroad in 1916 spent, in round figures, \$15,000,000. In 1925 it spent \$27,000,000. For maintenance of equipment in 1916 it spent \$19,000,000 and in 1925, \$38,000,000.

The number of freight cars owned by the Santa Fe in 1916 was 57,000 and in 1925 it was 82,000.

I offer this statement to show that there never has been a time in the history of railroads, especially the western railroads, when so much money has been spent for maintenance of right of way and for equipment as has been spent in the last few years. Yet they have made their greatest earnings at the same time, earnings which to my mind are a crime and an outrage, when we consider the condition of the American farmer and the freight rates he has been forced to pay. Since we commenced raising freight rates on the American farmer in America in 1916 he has paid something like \$4,000,000,000 in increases in freight rates. Yet the transcontinental railroads are going on with an expenditure that is nothing less than criminal, and while there is extravagance, yet the money in their treasuries is accumulating at the most alarming rate.

The Great Northern in 1916 earned 10 per cent. I saw a statement in the paper that in 1926 it would earn 10 per cent. These tables to which I am referring were received from the Interstate Commerce Commission. In 1925 the earnings on the stock of the Great Northern were 8.6 per cent.

The Southern Pacific in 1916 earned 7 per cent, and 8.4 per cent in 1925. In 1916 the Southern Pacific spent \$12,000,000 in maintenance of way and structures, and \$28,000,000 in 1925. In maintenance of equipment in 1916 the Southern Pacific spent \$17,000,000, and \$35,000,000 in 1925. In 1916 the Southern Pacific had 32,000 freight cars, and in 1925 they had 51,000 freight cars. Those freight cars have all been paid for out of the earnings of the railroads, and all western railroads have been double-tracking their main lines and building sidetracks all out of the earnings of the roads. Yet they have accumulated vast sums in their treasuries and are refusing to reduce freight rates to the American farmer.

The Northern Pacific in 1916 earned 10 per cent, and 7.2 per cent in 1925. In 1916 the Northern Pacific spent \$9,000,000 for maintenance of way and structures and \$12,000,000 in 1925. In 1916 the Northern Pacific spent for maintenance of equipment \$8,000,000, and \$17,000,000 in 1925.

Mr. JONES of New Mexico. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Mexico?

Mr. GOODING. I yield to the Senator.

Mr. JONES of New Mexico. I have been listening to the figures which the Senator has been reading, and he speaks of a percentage of earnings. Does he mean that that is a percentage

of earnings on the invested capital or on the common stock or on what?

Mr. GOODING. This is net income on the stock of the railroads.

Mr. JONES of New Mexico. On the stock of the railroads? Mr. GOODING. Yes; net income on stock.

Mr. JONES of New Mexico. It seems to me that the Senator has figures there which are quite low. I understand that the net earnings applicable to the common stock of the road to which the Senator has been referring are considerably larger than the figures he has given. I may be in error about that.

Mr. GOODING. No; the Senator is not in error, but these are the figures which have been furnished me by the Interstate Commerce Commission as far as the net earnings on their stock are concerned. All the railroads have other investments they have made out of the earnings of the roads and earnings of other roads not figured in this statement I am making at the present time.

If the Senator will permit me, I will put this table in the RECORD, because my time will expire shortly. The Union Pacific in 1913 earned 12 per cent, and 11 per cent in 1925. In 1916 it spent for maintenance of way \$8,000,000, and \$12,000,000 in 1925. For maintenance of equipment in 1916 it spent \$8,000,000, and \$21,000,000 in 1925. In 1916 the Union Pacific had 16,000 freight cars, and 29,000 in 1925.

I ask that this statement be inserted in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Selected operating data, transcontinental roads, 1916-1925, Atchison, Topeka & Santa Fe Railway Co., Southern Pacific Co., Great Northern Railway Co., Union Pacific Railroad Co., Northern Pacific Railroad Co.

[Statement No. 26238 (File No. 135-A-3) (5 sheets)]

INTERSTATE COMMERCE COMMISSION,
BUREAU OF STATISTICS.

ATCHISON, TOPEKA & SANTA FE RAILWAY CO.

Year	Ratio of net income to stock	Net railway operating income per man hour ¹	Maintenance of way and structures	Maintenance of equipment	Number of freight cars	Capacity of freight cars	Number of locomotives	Tractive power of locomotives
	Per cent	Cents				Tons		1,000 lbs.
1916...	11.2	28.7	\$15,978,602	\$19,325,201	57,108	2,074,290	1,784	62,743
1917...	6.0	26.5	15,997,976	23,544,428	57,316	2,093,395	1,784	62,982
1918...	4.4	25.5	19,037,933	35,100,235	68,823	2,440,345	1,825	65,755
1919...	6.7	25.9	23,158,350	40,017,505	67,948	2,447,113	1,919	71,948
1920...	5.8	26.4	38,272,789	53,556,734	69,825	2,567,857	1,915	74,157
1921...	11.2	36.4	18,084,559	38,892,812	71,859	2,656,697	1,884	74,258
1922...	11.0	24.3	29,978,744	43,288,399	72,563	2,683,465	1,830	77,245
1923...	11.8	25.4	27,684,154	48,967,937	77,593	2,896,216	1,899	82,569
1924...	11.6	26.0	29,869,509	43,975,231	81,844	3,080,800	1,912	85,123
1925...	12.3	33.7	27,134,289	38,976,411	82,404	3,129,842	1,840	83,852

GREAT NORTHERN RAILWAY CO.

Year	Ratio of net income to stock	Net railway operating income per man hour ¹	Maintenance of way and structures	Maintenance of equipment	Number of freight cars	Capacity of freight cars	Number of locomotives	Tractive power of locomotives
	Per cent	Cents				Tons		1,000 lbs.
1916...	10.3	26.6	\$10,951,056	\$10,120,842	56,778	2,144,503	1,309	49,478
1917...	10.8	20.3	11,555,903	11,889,672	57,637	2,187,349	1,320	50,130
1918...	13.3	8.5	17,391,119	20,754,685	55,200	2,144,236	1,360	53,325
1919...	11.3	11.5	18,150,393	20,194,705	52,624	2,036,981	1,385	54,814
1920...	12.9	2.9	25,718,561	26,739,434	54,539	2,148,888	1,428	58,080
1921...	11.4	18.5	13,865,917	21,075,308	54,618	2,129,586	1,423	55,675
1922...	4.4	22.2	13,153,323	19,585,290	55,447	2,166,448	1,419	55,581
1923...	5.1	27.9	15,255,041	21,723,923	54,708	2,283,684	1,427	58,053
1924...	7.2	32.2	13,888,267	17,102,587	53,445	2,250,017	1,417	58,074
1925...	8.6	38.9	14,297,715	17,200,491	51,485	2,233,584	1,377	57,757

SOUTHERN PACIFIC CO.

Year	Ratio of net income to stock	Net railway operating income per man hour ¹	Maintenance of way and structures	Maintenance of equipment	Number of freight cars	Capacity of freight cars	Number of locomotives	Tractive power of locomotives
	Per cent	Cents				Tons		1,000 lbs.
1916...	7.99	25.5	\$12,299,124	\$17,897,681	32,749	1,460,225	1,368	46,254
1917...	11.03	28.7	12,426,717	17,968,019	33,797	1,520,420	1,382	47,737
1918...	8.71	20.4	18,753,853	28,171,099	35,406	1,592,445	1,403	49,009
1919...	8.60	19.7	25,248,202	33,062,767	35,755	1,617,770	1,441	52,043
1920...	7.77	12.9	30,062,550	43,648,699	34,974	1,598,840	1,459	52,783
1921...	7.99	24.4	27,467,714	34,434,874	35,937	1,648,525	1,484	54,708
1922...	7.23	28.3	24,026,925	34,538,250	34,840	1,607,900	1,511	58,069
1923...	7.00	28.6	27,149,922	35,761,930	39,602	1,848,255	1,492	57,218
1924...	6.80	25.5	26,265,197	33,436,935	48,301	2,258,705	1,760	70,350
1925...	8.40	25.1	28,132,334	35,847,416	51,305	2,412,655	1,745	71,288

¹ Based on a 10-hour day, 1916-1918 and 8-hour day, 1919-1925, and on time on duty 1916-June 30, 1921, and straight time actually worked and overtime paid for, July 1, 1921-1925.

² Figures abnormal on account of adjustments in maintenance charges.

Selected operating data, transcontinental roads, 1916-1925, etc.—Con.

NORTHERN PACIFIC RAILROAD CO.

Year	Ratio of net income to stock	Net railway operating income per man hour	Maintenance of way and structures	Maintenance of equipment	Number of freight cars	Capacity of freight cars	Number of locomotives	Tractive power of locomotives
	Per cent	Cents				Tons		1,000 lbs.
1916...	10.9	35.0	\$9,319,432	\$8,419,939	47,275	1,782,955	1,356	45,340
1917...	11.9	29.1	10,782,178	11,245,120	48,080	1,825,320	1,361	46,467
1918...	8.1	23.3	14,229,743	18,923,314	49,701	1,895,330	1,399	48,744
1919...	9.2	15.8	16,232,321	19,822,811	49,487	1,891,480	1,402	49,168
1920...	7.7	8.2	21,012,798	25,593,923	48,729	1,872,735	1,446	52,137
1921...	8.9	15.0	14,312,916	21,825,817	47,074	1,819,370	1,437	52,573
1922...	6.1	25.4	12,826,641	18,064,615	46,722	1,809,995	1,439	52,667
1923...	5.2	20.9	14,022,694	22,464,342	46,988	1,859,105	1,414	53,651
1924...	6.4	29.0	12,240,855	18,675,927	47,700	1,899,725	1,405	53,545
1925...	7.2	32.6	12,759,190	17,605,304	49,149	1,967,355	1,300	51,039

UNION PACIFIC RAILROAD CO.

Year	Ratio of net income to stock	Net railway operating income per man hour	Maintenance of way and structures	Maintenance of equipment	Number of freight cars	Capacity of freight cars	Number of locomotives	Tractive power of locomotives
	Per cent	Cents				Tons		1,000 lbs.
1916...	12.2	37.8	\$8,575,888	\$8,232,368	16,917	773,850	835	28,656
1917...	11.7	30.7	8,930,175	10,065,284	19,159	895,950	855	30,218
1918...	9.1	39.0	10,778,439	16,417,781	22,132	1,035,890	888	32,366
1919...	10.1	36.9	15,198,994	20,798,474	22,780	1,070,200	902	33,841
1920...	11.5	30.9	20,229,046	25,892,076	22,857	1,078,660	967	38,332
1921...	10.7	43.2	13,063,914	22,750,820	24,412	1,157,975	935	37,062
1922...	11.4	39.0	11,977,805	22,373,737	28,607	1,375,745	941	37,833
1923...	11.7	38.5	14,503,312	24,041,486	28,776	1,382,385	949	41,395
1924...	11.2	41.3	13,789,521	21,632,878	28,978	1,393,800	957	43,370
1925...	11.9	45.8	12,792,383	21,620,223	29,829	1,436,880	919	42,371

Mr. GOODING. Mr. President, Mr. Potter, now a receiver of the Milwaukee, at one time a member of the Interstate Commerce Commission, and, I think, one of the greatest men in the United States who has ever served in that capacity, in the hearings on the Milwaukee Railroad by the commission to discover the cause of the wrecking of the Milwaukee, testified before Commissioner Cox that in his judgment the Panama Canal had been of great benefit to the transcontinental railroads; and when asked by Mr. Hickey, attorney for the commission, he gave the following testimony. This was the question:

Do you believe that relief from application of section 4 of the interstate commerce act is necessary or essential to the prosperity of the several Northwest carriers, including the St. Paul Railroad?

Mr. POTTER. I do not.

Mr. Potter said further:

I do not hesitate to say that if I had been the sole receiver of the St. Paul property I should have withdrawn application for fourth-section relief.

The Milwaukee & St. Paul joined all the other transcontinental railroads in asking for the violation of the fourth section of the interstate act on 47 different commodities.

I know of no better authority on that question than Mr. Potter, who served on the Interstate Commerce Commission; and I am satisfied in my own mind, from the fact that a majority of the commission denied the last applications made by the transcontinental railroads, that the commission itself is not in favor of violations through the Panama Canal in the interest of the transcontinental railroads.

Mr. President, the Interstate Commerce Commission is a changing body; the majority of the members of the commission who are opposed to the violations of the fourth section of the interstate commerce act through the Panama Canal is a narrow one. In a very short time changes will take place on that commission, and within a year we may have an Interstate Commerce Commission which will give violations of the fourth section to the transcontinental railroads to meet competition through the Panama Canal. The West has suffered from these violations so long, and they are so common in the West, that the interior territory has never been able to interest capital in building manufacturing institutions to manufacture our raw materials into the finished products.

But we are willing to submit to that outrage if we can be protected as far as the Panama Canal is concerned, so that the people of the interior territory of the West may enjoy some benefit from that great waterway. At the present time, as I said, it hangs as a nightmare over the people of the interior territory of the West.

I yield the floor now, as my time is up.

Mr. WILLIS. Mr. President, I desire to occupy a portion of the time allotted to me under the unanimous-consent agreement

to state at this time why I shall feel it my duty to oppose the pending measure.

With reference to the amendment which has just been discussed by the Senator from Idaho [Mr. GOODING], I think I ought to say that when the amendment was before the Senate in the form of an independent measure I voted against it for reasons which to me then seemed good and which now seem good. However, Mr. President, I am perfectly frank to say that if the river and harbor bill is to be passed it involves such considerations as would seem to me to justify the adoption of the amendment which will be offered by the Senator from Idaho. Therefore I expect to support his amendment when the time comes for a vote upon it.

The question that is immediately before the Senate is the question of the Cape Cod Canal. I shall content myself with very brief observations upon that branch of the subject because the Senator from Nebraska [Mr. HOWELL] has fully covered every department of that general subject. I only want to say that it seems to me the United States of America, particularly in view of the fact that we are undertaking to carry through an economic program, is not justified at this time in purchasing the Cape Cod Canal. There have been extensive hearings upon the question. Hearings were had before the committee of the House of Representatives. In 1922 extensive hearings were had before the Senate Committee on Commerce, and more recently—last summer—further hearings were held upon the subject. The following facts, I think, were pretty generally established:

First. The canal was built or its undertaking was adopted purely as a commercial enterprise. I speak of that because in the discussion before the committee and elsewhere somehow the idea has gotten afloat that the Government is responsible for this matter; that the Government asked somebody to do something; that there is a moral responsibility resting upon the Congress. The fact is that it was undertaken entirely, and properly so, as a commercial enterprise. Gentlemen thought it would be a good business proposition, and they are to be commended for venturing their capital in the enterprise. But it turns out, as it turns out a good many times, that they miscalculated; that the enterprise was not successful; that not enough business developed to produce the desired amount of income. The fact is that from the very moment the canal was completed it has been a financial failure and that deficits have piled upon deficits year after year.

It has been argued here that this is a public utility. It is. It is argued, therefore, that a different situation exists than would exist in private business. That argument, I think, so far is good. But there is no difference between this utility and some other utility. In the discussion here this morning I called attention to the fact that there are thousands of miles of traction lines in the country which were built in perfect good faith. People invested their money believing that the enterprise would be successful financially. But changes have come. We have entered upon an era of good-roads construction. The automobile is here, and as a result, as every Senator knows, there are thousands of miles of traction lines in the country either entirely abandoned or in the hands of receivers. Will it be said, "Why, these gentlemen made their investments in perfect good faith and the Government ought to come to their relief?"

I think, Mr. President, that argument is not good. I think it is not good in the present case. It is lamentable that those who have invested their capital in the Cape Cod Canal find themselves in the embarrassing situation in which they do find themselves, but I am not able to discover any reason at all why the Government of the United States should go to their relief, or why it should be said, as it is said by some, that there is a moral obligation resting upon us to take that responsibility off their shoulders.

If the canal is to be taken over, it seems to me the suggestion made by the Senator from Nebraska [Mr. HOWELL] is a proper one. If the Government were to buy a railroad somewhere, it ought to buy it with reference to the value of the railroad. It is admitted upon all hands that the canal as a commercial proposition is worth not to exceed \$2,500,000. That is shown by the testimony and it is shown by the income. The income from the canal is sufficiently capitalized to pay interest on about \$2,500,000. So it may be said that as a commercial venture the canal is worth \$2,500,000.

Yet, what is here proposed? It is proposed to pay \$11,500,000 at the outset, with the understanding that from \$14,000,000 to \$15,000,000 more is to be expended before the canal is in condition for use. In other words, the project is to cost the Government of the United States approximately \$30,000,000. Is the Congress ready to say, in the face of the

undenied fact that the property is worth about \$2,500,000, that we should pay \$30,000,000 for it? If it is to be bought at all, ought not there be some consideration of the actual commercial value of the undertaking?

Is Congress prepared to say, following that line of thought just a little bit further, that because we want to accommodate somebody we shall place upon the shoulders of the taxpayers of the United States a burden which is substantially as follows: \$30,000,000 at 5 per cent would amount to \$1,500,000 per annum; maintenance is about \$300,000 per annum. That would make \$1,800,000 per annum which in perpetuity it is proposed to saddle upon the taxpayers of the United States.

I do not believe that is wise economy. I do not believe that any business concern would transact business after that fashion, particularly when it is realized that the canal now is almost twice as deep as any other part of the intercoastal canal, so called. Right in the pending bill we are making appropriations for projects for the continuation of the intercoastal canal, which it is hoped may ultimately reach from the New England States clear to Florida, and yet that is a 12-foot project. The Cape Cod Canal is now 25 feet deep, deeper than any other canal the United States owns or than any other canal found upon this continent, with the single exception perhaps of the Panama Canal.

I do not believe there is good reason, from the viewpoint of the Government, for the purchase of this canal, and therefore I shall support the amendment which has been offered by the Senator from Nebraska. If that amendment shall be adopted, then we have a fair proposition whereby the canal may be obtained at approximately its commercial value.

But, Mr. President, I wanted not particularly to address myself to the pending amendment so much as to the bill in general. I do not believe we ought to pass a river and harbor bill at this session of Congress. I am pretty confident that we shall pass one, but that does not deter me from giving some reasons why I think we ought not to pass the bill.

I note first the very sage advice given by the President in his message to the Congress. He said:

If the country will be content to be moderate and patient and permit improvements to be made where they will do the greatest general good, rather than insisting on expenditures at this time on secondary projects, our internal waterways can be made a success. If proposed legislation results in a gross manifestation of local jealousies and selfishness, this program can not be carried out. Ultimately we can take care of extensions, but our first effort should be confined to the main arteries.

Then in his Budget message he points out very cogently the facts with reference to the financial situation, as follows:

This Budget carries \$66,347,600 for the improvement and maintenance of existing river and harbor works, flood control, operation and care of canals, and other works of navigation. This does not include the maintenance and operation of the Panama Canal, for which \$7,600,000 is recommended. For rivers and harbors proper the sum of \$50,000,000 is asked. To complete approved projects, \$195,000,000 will be required. Of the \$50,000,000 contained in the Budget slightly more than \$30,000,000 will be available for improvement and new construction. At this rate we will complete authorized projects in something less than seven years.

In other words, if we shall appropriate at the rate at which we have been appropriating and adopt no new projects at all, it will be seven years before the work will have been completed, and we will have expended in the neighborhood of \$200,000,000 upon these projects.

I think one reason why it is undesirable in rather haphazard fashion to adopt new projects and make new surveys is the fact that we already have a demonstration of the profligate manner in which the Government of the United States has transacted its business, so far as river and harbor improvements are concerned. I have before me House Document No. 467, which, at page 2, gives some interesting information. This House document embodies the letter of the Secretary of War and the report of the Chief of Engineers, from which I read very briefly:

Of the 162 projects whose investigation has been completed, 23 are clearly worthy of continuance. One hundred and twenty-three have served their usefulness and should be abandoned.

This illustrates, Mr. President, the vice of our present system of making appropriations for rivers and harbors. Because we like somebody or because he makes an effective plea, we adopt some project or we provide for some survey, and then, under local pressure, a favorable or partially favorable report is brought in and public funds are expended sometimes in enormous amounts, as I shall show in a moment, and then we wake up to find that the project ought not to have been adopted.

Here are 123 projects out of 162 which are recommended for abandonment. Mr. President, without reading—for at all times I have sought to expedite the vote upon this bill—I ask permission to insert in the RECORD at this point the list of the projects that are recommended for abandonment.

The VICE PRESIDENT. Without objection, permission to do so is granted.

The list is as follows:

	Date of adoption of project
Boston, Mass., district:	
Bagaduce River, Me.	Aug. 11, 1888
Bellamy River, N. H.	Do.
Cape Porpoise River, Me.	Mar. 2, 1907
Cathance River, Me.	June 14, 1880
Cobscook Bay, Me.	Aug. 30, 1852
Cocheco River, N. H.	Aug. 19, 1890
Cohasset Harbor, Mass.	June 13, 1902
Duxbury Harbor, Mass.	Mar. 3, 1899
Ipswich River, Mass.	Aug. 5, 1886
Lake Winnepesaukee, N. H.	June 14, 1890
Manchester Harbor, Mass.	Mar. 3, 1890
Narraguagus River, Me.	Aug. 5, 1886
New Harbor, Me.	Mar. 3, 1905
Owls Head Harbor, Me.	Aug. 30, 1852
Rockport Harbor, Me.	June 25, 1910
Royal River, Me.	Aug. 12, 1882
Sasanoa River, Me.	Mar. 2, 1907
Seituate Harbor, Mass.	June 14, 1880
South Bristol Harbor, Me.	June 25, 1912
Stockton Harbor, Me.	June 25, 1910
Sullivan River, or Harbor and Falls, Me.	Dec. 10, 1870
Town River, Mass.	June 3, 1896
Union River, Me.	Do.
Wellfleet Harbor, Mass.	Aug. 8, 1888
Winthrop Harbor, Mass.	Aug. 11, 1888
Providence, R. I., district:	
Base (Harbor) River, Mass.	July 4, 1836
Canapitsit Channel, Mass.	July 13, 1892
Clinton Harbor, Conn.	Aug. 2, 1882
Entrance to Point Judith, R. I.	Mar. 3, 1905
Potowomut River, R. I.	Mar. 3, 1881
Westpocket Rock, Mass.	Mar. 3, 1905
Westport Harbor, Mass.	Aug. 5, 1886
New York City, second district, Rahway River, N. J.	Mar. 3, 1879
Philadelphia, Pa., district:	
Delaware River, N. Y., N. J., and Pa. (at or near mouth of Neversink River)	June 25, 1910
Frankford Creek, Pa.	Aug. 2, 1882
Wilmington, Del., district: Little Egg Harbor Inlet, N. J.	July 4, 1836
Baltimore, Md., district:	
Deal Island, Md. (Upper Thoroughfare)	Aug. 2, 1882
Enlree Creek, Md.	Aug. 11, 1888
LaTrappe River, Md.	July 13, 1892
Lower Thoroughfare at or near Wenona, Deal Island, Md.	June 25, 1910
Manokin River, Md.	Sept. 19, 1890
Northeast River, Md.	June 10, 1872
Queenstown Harbor, Md.	Mar. 3, 1871
Rockhall Harbor and Inner Harbor, Rockhall, Md.	Mar. 4, 1913
Susquehanna River, Pa. (North Branch)	None.
Tilghman Island Harbor, Md.	Mar. 3, 1919
Tuckahoe River, Md.	July 25, 1912
Traskin Creek, Md.	Mar. 2, 1907
Worton (Creek) Harbor, Md.	June 10, 1872
Norfolk, Va., district:	
Archers Hope River, Va.	Mar. 3, 1881
Dan River, Va. and N. C.	June 14, 1880
Nottoway River, Va.	Do.
Staunton River, Va.	Mar. 3, 1879
Wilmington, N. C., district:	
Contentnea Creek, above Snow Hill, N. C.	Mar. 3, 1881
Fishing Creek, N. C.	Sept. 19, 1890
Pamlico and Tar Rivers, N. C., above Tarboro, N. C.	Aug. 11, 1888
Charleston, S. C., district:	
Clarks (River) Creek, S. C.	Do.
Little Peedee River, S. C.	Do.
Lynch River and Clark Creek, S. C.	Mar. 2, 1907
Saukchatchie River, S. C.	Aug. 2, 1882
Yadkin River, N. C.	Mar. 3, 1879
Savannah, Ga., district:	
Sapelo Harbor, Ga.	June 25, 1910
Savannah River above Augusta, Ga.	June 13, 1892
Savannah River at Augusta, Ga.	July 27, 1916
Montgomery, Ala., district:	
Cahaba River, Ala.	Aug. 2, 1882
Escambia and Conecuh Rivers, Fla. and Ala.	Mar. 3, 1907
Ochlocknee River, Ga. and Fla.	—, 1833
Oostenauala and Coosawatee Rivers, Ga.	June 13, 1902
Tallapoosa River, Ala. and Ga.	Aug. 2, 1882
Upper Chipola River, Fla.	Mar. 3, 1899
Mobile, Ala., district:	
Bluff Creek, Miss.	Sept. 19, 1890
Leaf and Chickasawhay Rivers, Miss.	Do.
Noxubee River, Miss.	June 14, 1880
Old Town Creek, Miss.	Mar. 3, 1907
New Orleans, La., district: Tangipahoa River, La.	June 10, 1872
Galveston, Tex., district: Sulphur River, Tex. and Ark.	Mar. 3, 1907
Vicksburg, Miss., district:	
Bayou Bartholomew, La. and Ark.	Mar. 3, 1881
Bear Creek, Miss.	June 25, 1910
Big Black River, Miss.	July 5, 1884
Big Sunflower River, Miss.	July 25, 1912
Boeuf River, La.	Aug. 11, 1888
Cane River, La.	July 5, 1884

Vicksburg, Miss., district—Continued.

	Date of adoption of project
Little Missouri River, Ark.	Mar. 3, 1871
Little River, La.	Aug. 11, 1888
Loggy Bayou, Lake Bistenau, and Lake Dorcheat, La.	July 5, 1884
Roundaway and Vidal Bayous, La.	Aug. 11, 1888
Saline River, Ark.	June 25, 1910
Steele and Washington Bayous and Lake Washington, Miss.	Do.
Yalobusha (Yallabusha) River, Miss.	Mar. 3, 1881
Memphis, Tenn., district:	
Fourche Le Fevre River, Ark.	Sept. 19, 1890
Obion River, Tenn.	July 13, 1892
Petit Jean River, Ark.	Aug. 11, 1888
St. Paul, Minn., district:	
Lake Traverse, Minn. and S. Dak.	July 25, 1912
Mississippi River between Brainerd and Grand Rapids, Minn.	June 25, 1910
Red River of the North, Minn. and S. Dak.	June 3, 1896
Chattanooga, Tenn., district:	
Duck River, Tenn.	June 14, 1880
Elk River, Ala. and Tenn.	Mar. 3, 1899
Hwassee River, Tenn.	June 13, 1902
Holston River, Tenn.	Do.
Pittsburgh, Pa., district:	
Buckhannon River, W. Va.	July 5, 1884
Cheat River, W. Va.	Sept. 19, 1890
Huntington, W. Va.; Gauley River, W. Va.	Aug. 11, 1888
Cincinnati, Ohio, district: Licking River, Ky.	Do.
Duluth, Minn., district:	
Eagle Harbor, Mich.	Mar. 2, 1867
Zippel Bay, Lake of the Woods, Minn.	Feb. 27, 1911
Milwaukee, Wis., district:	
Cedar River Harbor, Mich.	Aug. 2, 1882
Gladstone Harbor, Mich.	Mar. 3, 1905
Pentwater Harbor, Mich.	Mar. 2, 1907
South Milwaukee Harbor, Wis.	June 3, 1896
St. Joseph River, Mich.	Aug. 11, 1888
Detroit, Mich., district:	
Maumee River (above Toledo), Ohio.	June 10, 1872
Rogers City, Mich.	June 25, 1910
Sebewaing Harbor, Mich.	June 3, 1896
Buffalo, N. Y., district:	
Black River, N. Y.	July 4, 1836
Grasse River, Massena, N. Y.	Aug. 2, 1882
Port Ontario Harbor (Salmon River), N. Y.	July 4, 1836
Rocky River, Ohio.	June 10, 1872
Sandusky River, Ohio.	Mar. 3, 1867
Portland, Oreg., first district:	
Clearwater River, Idaho.	July 23, 1897
Nestucca River, Oreg.	June 3, 1896
Portland, Oreg., second district:	
Lewis River, Wash. (East Fork)	Mar. 4, 1913
Long Tom River, Oreg.	Mar. 3, 1899
Juneau, Alaska, district: St. Michael Canal, Alaska.	June 25, 1910

Mr. WILLIS. I will not take the time to read that very extensive list, but I do want to read some of the comments which have been made by the engineers upon that subject. The report says:

The total number of projects, the study of which was originally directed by the Chief of Engineers, was 295.

This was done as the result of action by the Committee on Commerce, so ably presided over by the distinguished Senator from Washington [Mr. JONES], to find out where we were and how many worthy projects there were and how many unworthy projects there were. There are so many of these projects that the engineers did not complete the task; but they examined 162, and of the 162 examined they found that 123 were worthless, and they recommended their abandonment; and yet in this bill there are projects proposed to be adopted which have already been recommended for abandonment, and have been abandoned, by act of Congress, which have been again put in because we like somebody and that somebody has requested that they shall again go in.

Mr. COPELAND. Mr. President, will the Senator from Ohio yield to me?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New York?

Mr. WILLIS. Yes; I always yield to my friend.

Mr. COPELAND. Are any of those projects in Ohio?

Mr. WILLIS. I do not know, and I do not know whether it makes any difference. Would it make any difference to the Senator from New York as to whether or not they were in New York?

Mr. COPELAND. No; it would not make any difference.

Mr. WILLIS. Of course it would not. I have too good an estimate for the Senator's patriotism to think of such a thing.

Mr. COPELAND. If they were in New York, on general principles they would be wrong and would be barred out.

Mr. WILLIS. I admit that that is generally conceded.

Mr. COPELAND. But what the Senator says calls attention to the fact that our policy regarding these projects is a wrong one. We do not finish them. We start too many without finishing them.

Mr. WILLIS. That is correct.

Mr. COPELAND. We ought to be more certain about the merit of a project, and then, when we have determined upon

it, go forward and complete it at once. Is not that the trouble with many of these projects?

Mr. WILLIS. I agree with the Senator in that respect, and that is why I am pleading not for the adoption of more projects but for a continuation of the work on the good projects which we have until we get caught up with the work.

Mr. LENROOT. Mr. President—

Mr. WILLIS. I yield to the Senator from Wisconsin.

Mr. LENROOT. I will ask my friend from New York if he did not vote for a \$12,000,000 limitation on the Missouri River project, which will prevent its completion until further action by Congress?

Mr. COPELAND. Mr. President, will the Senator from Ohio yield to me in order that I may reply to the inquiry of the Senator from Wisconsin?

Mr. WILLIS. I will yield to the Senator for a brief reply.

Mr. COPELAND. I assume that an appropriation of \$12,000,000 will make a very good start on the Missouri River improvement, and I wish to say to the Senator from Wisconsin that I do not care how much that project may cost; if it shall cost \$100,000,000, I believe the completion of the Missouri River project will benefit the entire Nation; and I hope that nothing will interfere with its early completion.

Mr. LENROOT. The difference between the Senator and some others of us is that we took the position the Senator just stated a moment ago, that if we were going to adopt the project there should be no limitation provided; yet the Senator voted for a limitation that will not move a ton of commerce on the Missouri River.

Mr. COPELAND. Mr. President, if there is any sincerity in the Senate, having started that project at the time the next Congress meets if more money is needed, I will say to the Senator from Wisconsin that I shall be very glad to vote for it, because I want to see the project finished.

Mr. WILLIS. While the Senator from New York is on his feet, permit me to ask him this question, in view of his very proper statement. We were discussing a while ago the Cape Cod Canal; it is agreed by the engineers, and has been demonstrated by the figures as to income, that as a commercial proposition the canal is worth two and one-half million dollars. Is the Senator from New York in favor of paying eleven and one-half million dollars for it?

Mr. COPELAND. Mr. President, I am very glad the Senator has asked me that question, because he can not complain now if I answer him. The Senator has only to study the hearings in order to find out what the great experts have said about it.

Mr. WILLIS. I am asking one; I am asking the Senator from New York what does he say?

Mr. COPELAND. I say now that I consider the Cape Cod Canal worth all we are proposing to pay for it.

Mr. WILLIS. I thank the Senator. That answers my question from his viewpoint. Of course, experts say that the canal is worth two and one-half million dollars. I have read all the hearings and been present at them and have read the reports, and I think, with great respect, I know as much about that as does the Senator. As a commercial proposition there is no difference of opinion amongst the authorities that the canal is worth about two and one-half million dollars. Its income shows that as a commercial proposition, figured on the basis of 5 per cent, it is worth two and one-half million dollars; and yet I now hear the Senator say that he is in favor of paying eleven and one-half million dollars for it, and then paying fourteen and one-half million dollars more for improvements in order to put it in a condition so that it will work; in other words, he is in favor of paying at least \$25,000,000 for that which is worth two and one-half million dollars. Having got the Senator's position, I will proceed, Mr. President.

Mr. COPELAND. Mr. President, will the Senator from Ohio yield further?

Mr. WILLIS. I have but little time. However, I ought to yield to the Senator from New York, and I will do so.

Mr. COPELAND. I think the Senator should yield to me. I suppose the Senator is well aware of the fact that the canal cost about \$13,000,000 to build?

Mr. WILLIS. I was not talking, I will say to my friend from New York, about what it cost. I was talking about what it is worth.

Mr. COPELAND. There was a condemnation proceeding as a result of which the value of the property was assessed at something over \$16,000,000, as I recall. Certainly the Senator does not argue for a moment that we are going to use the Cape Cod Canal as a means of making money?

Mr. WILLIS. No; and if I can prevent it we are not going to use it as a means of giving away money, either.

Mr. COPELAND. The Senator realizes very fully, I am sure, that when this canal shall be completed and widened, as it

should be, so that vessels may pass each other in the canal and so that it may be used as a place of refuge in time of storm, it is going to be used almost universally by American shipping, representing 35,000,000 or 40,000,000 tons passing around the cape, and it is going to become a very useful part of our waterway system. I am sure the Senator realizes that. To my mind it is quite as important in many respects as the improvement of the Ohio River.

Mr. WILLIS. Of course that shows that the Senator does not know about the Ohio River. That, however, is not now under discussion. I have the Senator's viewpoint; he thinks we ought to pay the amount stated for the Cape Cod Canal. Of course we disagree about that; I think we ought not to do so.

However, Mr. President, I was speaking a moment ago about the projects which have been adopted from time to time or as to which surveys have been authorized from time to time which were found out later to be entirely worthless. As I have said, out of the number, 162, that were surveyed carefully by the Board of Engineers, 123 were found to be no good. Yet, as I said a moment ago, some of those projects are readopted in this bill. Some of those projects that were recommended for abandonment are here provided for through surveys or otherwise.

I refer to that because there is a disposition in some quarters sometimes to criticize the engineers. The trouble is the engineers are liberal enough in their recommendations and we follow the engineers when we like to do so, but when their recommendations do not suit us we adopt projects over their protest and against their judgment. So the expenditure for rivers and harbors goes on apace, and sometimes I think they are ill-considered.

Further—and I will take only a moment to refer to it—the Chief of Engineers points out that of the 123 projects recommended for abandonment he eliminates one because that has practically no tonnage. Taking the rest of them they had an average tonnage of less than 1,800 tons for each improvement, and he estimates that in order to carry them to completion would require an expenditure of \$18 per ton of annual commerce, and very properly concludes that that would be too high a price to pay. So he wisely recommends them for abandonment, but they ought not to have been adopted and could not have been adopted if we had not followed the policy to which I have adverted.

Mr. President, I have just placed in the RECORD a list of projects recommended for abandonment because they are regarded as worthless. Now I wish to make a further point.

Mr. JONES of Washington. Mr. President—

Mr. WILLIS. I yield to the Senator from Washington.

Mr. JONES of Washington. Will not the Senator put in a list of those recommended in that list for abandonment that are included in this bill?

Mr. WILLIS. I will say to the Senator that I was just about to do that, and I might as well do it now. I hold in my hand a copy of the hearings with which the Senator is perfectly familiar. The hearings were held on or about January 28, 1925, on H. R. 11472. There was some correspondence between the chairman of the Committee on Commerce and the President on this subject. I refer particularly to the correspondence on page 13.

At the top of that page there is a letter from the President inclosing a memorandum from General Lord, and in order that I may be fair to all I place both the letter and the memorandum in the RECORD at this point, with the permission of the Senate.

The VICE PRESIDENT. Without objection, permission is granted.

The letter and memorandum are as follows:

THE WHITE HOUSE,
Washington, January 17, 1925.

HON. WESLEY L. JONES,

Committee on Commerce,

Senate Office Building, Washington, D. C.

MY DEAR SENATOR: Inclosed is copy of a letter from General Lord relative to H. R. 11472. I especially call your attention to section 2 on page 10 of the House bill, and to the third paragraph of the letter from General Lord. You will note that this is an attempt to load on to the Budget about \$62,000,000 per year for river and harbor work. I do not think it ought to run above about \$40,000,000. This is a method on the part of somebody to take away from the Executive jurisdiction over the Budget and come in next year and claim that Congress has passed the law, and the President has approved it, which demands an excessive expenditure. My talk also was that the end of the preamble on page 1 was to carry \$8,000,000, and not \$10,000,000. I think section 2 should come out and the \$10,000,000 be reduced to \$8,000,000. I am sending a copy of this letter to Senator Smoot.

Very truly yours,

CALVIN COOLIDGE.

BUREAU OF THE BUDGET,
Washington, January 16, 1925.

Memorandum for the President:

Bill H. R. 11472, entitled, "A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," has been passed by the House of Representatives. The cost of the works embraced in this bill is approximately \$39,000,000. This does not include the annual cost of maintenance. I am advised by the Chief of Engineers that at this time there remains to be appropriated for the completion of the projects heretofore authorized the sum of \$201,000,000. Adding to this the amount of \$39,000,000 estimated to be the approximate cost of the works authorized in H. R. 11472, gives a total of \$240,000,000.

The Budget for the fiscal year 1926 gives for river and harbor works already authorized \$40,000,000, of which approximately \$22,000,000 is for improvement and \$18,000,000 for maintenance. Deducting from the total sum of \$240,000,000 the amount of \$22,000,000 carried in the Budget for improvement of works already authorized leaves a balance of \$218,000,000 as the approximate amount to be estimated for to cover the cost of existing authorized works plus the works authorized in the pending bill.

Bill H. R. 11472 provides in section 2 (p. 10) that—

"It is hereby declared to be the policy of Congress that all river and harbor projects heretofore, herein, and hereafter adopted shall be completed within five years from the passage of this act or of subsequent acts adopting such projects, if physically practicable: *Provided*, That in any case of such impracticability the Chief of Engineers shall clearly set forth the reasons therefor in his annual report."

If the policy defined in the above-quoted section is reflected in actual appropriations it will require for its fulfillment annual appropriations of \$43,600,000 for each of the fiscal years 1927, 1928, 1929, 1930, and 1931. This annual cost will be for the improvements only, and does not take into consideration the cost of annual maintenance. A conservative cost for maintenance of river and harbor works will average \$18,000,000 per year. Adding this amount (\$18,000,000) to the estimated yearly improvement cost (\$43,600,000) gives a total yearly cost of \$61,600,000 under the five-year program contemplated by the above-quoted provision in H. R. 11472.

I make the foregoing observations concerning the provision in question so that you may consider the effect of this provision on your financial program commencing with the fiscal year 1927 in the event that your estimates to Congress should reflect the policy of Congress as defined in the provision. I am fearful that your approval of this provision would carry an implied commitment to its terms and impose upon you at least a moral obligation to present estimates accordingly.

The bill further provides, quoting from the first page thereof:

"That no money shall be expended on the projects herein and hereby adopted during the fiscal year ending June 30, 1926, and that not to exceed \$10,000,000 shall be expended thereon in any fiscal year thereafter."

This provision is a limitation on the maximum amount which may be expended; not on the minimum amount which may be expended. I do not view this provision as imposing any moral obligation upon you to present estimates which would permit of an annual expenditure to a maximum of \$10,000,000. My reason for mentioning this provision here is that it authorizes a maximum expenditure in excess of that which I understood you had agreed to, namely, \$8,000,000 per year.

H. M. Lord,

Director of the Bureau of the Budget.

Mr. WILLIS. What the chairman of the committee was undertaking very wisely and very properly to find out for the benefit of the committee was a list of the projects that at that time were under way. I find on page 16 of the hearings a "List of approved projects now under way"—the "now" refers to January 28, 1925—and so that the country may be advised as to the number of these projects I ask permission to print in the RECORD the table beginning on that page of the hearings.

The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

TABLE NO. 2.—List of approved projects now under way

Locality	Estimated cost	Expended on new work	Balance required to complete	Remarks
St. Croix River, Me.	\$234,000.00	\$199,441.46	Project completed.	Future work for maintenance only.
Bar Harbor, Me.	420,200.00	406,057.43	do	Do.
Rockland Harbor, Me.	1,036,000.00	915,862.73	do	Do.
Kennebec River, Me.	386,500.00	386,438.38	do	Do.
Portland Harbor, Me.	1,690,000.00	1,578,951.00	\$100,000	Do.
Saco River, Me.	55,000.00	48,619.24	Completed.	Do.
Merrimack River, Mass.	171,442.00	115,424.77	do	Do.
Boston Harbor, Mass.	11,745,749.00	10,381,737.44	\$1,545,000	Do.
Beverly Harbor, Mass.	321,000.00	102,707.21	do	Do.
Salem Harbor, Mass.	12,000.00	11,500.00	Completed.	Do.
Lynn Harbor, Mass.	179,000.00	125,792.14	do	Do.

TABLE NO. 2.—List of approved projects now under way—Continued

Locality	Estimated cost	Expended on new work	Balance required to complete	Remarks
Mystic River, Mass.	\$197,000.00	\$155,423.91	Completed.	Future work for maintenance only.
Malden River, Mass.	148,700.00	141,866.69	do	Do.
Dorchester Bay and Neponset River, Mass.	125,233.00	94,684.55	do	Do.
Weymouth Fore River, Mass.	625,000.00	497,893.28	\$40,000	Do.
Weymouth Back River, Mass.	22,000.00	20,478.68	Completed.	Do.
Plymouth Harbor, Mass.	364,700.00	133,871.96	do	Do.
Pollock Rip Shoals, Mass.	(1)	1,049,297.80	do	Do.
Provincetown Harbor, Mass.	140,000.00	131,633.28	Completed.	Do.
Harbor of refuge at Nan tucket, Mass.	475,000.00	426,595.70	\$34,000	Do.
New Bedford and Fair-Haven Harbors, Mass.	640,610.00	580,823.67	\$60,000	Do.
Fall River Harbor, Mass.	318,412.00	300,204.16	Completed.	Do.
Taunton River, Mass.	125,000.00	108,497.93	do	Do.
Newport Harbor, R. I.	483,900.00	445,329.81	do	Do.
Providence River and Harbor, R. I.	1,568,200.00	1,209,941.41	\$199,000	Do.
Pawtucket (Seekonk) River, R. I.	423,035.00	278,149.95	\$77,000	Do.
Harbor of refuge at Point Judith, R. I.	2,537,500.00	2,371,467.55	Completed.	Do.
Harbor of refuge at Block Island, R. I.	596,174.00	574,400.36	\$16,000	Do.
Great Salt Pond, Block Island, R. I.	305,000.00	189,036.65	\$116,000	Do.
Pawcatuck River, R. I. and Conn.	149,733.00	85,335.10	\$64,300	Do.
Stonington Harbor, Conn.	347,500.00	300,500.00	Completed.	Do.
Mystic River, Conn.	11,660.00	11,525.50	do	Do.
New London Harbor, Conn.	587,000.00	467,487.35	\$120,000	Do.
Thames River, Conn.	265,830.00	299,214.14	Completed.	Do.
Connecticut River above Hartford, Conn.	(2)	116,324.81	do	Do.
Connecticut River below Hartford, Conn.	388,000.00	286,444.00	\$76,000	Do.
Duck Island Harbor, Conn.	370,000.00	367,297.91	Completed.	Do.
Bradford Harbor, Conn.	10,000.00	9,537.45	do	Do.
New Haven Harbor, Conn.	684,200.00	489,524.94	do	Do.
Breakwaters at New Haven, Conn.	1,264,000.00	1,242,246.09	do	Do.
Milford Harbor, Conn.	25,000.00	23,617.33	\$1,400	Do.
Housatonic River, Conn.	275,500.00	234,304.92	\$41,150	Do.
Bridgeport Harbor, Conn.	765,000.00	612,982.33	\$48,000	Do.
Westport Harbor and Saugatuck River, Conn.	18,000.00	15,160.55	New project recommended.	Do.
Norwalk Harbor, Conn.	206,000.00	38,440.17	\$90,000	Do.
Stamford Harbor, Conn.	315,000.00	158,342.60	do	Do.
Greenwich Harbor, Conn.	49,000.00	33,599.45	Completed.	Do.
Port Chester Harbor, N. Y.	264,000.00	154,806.56	\$64,000	Do.
Mamaroneck Harbor, N. Y.	103,000.00	do	\$103,000	Do.
Echo Bay Harbor, N. Y.	22,110.00	17,216.14	Completed.	Do.
East Chester Creek, N. Y.	119,000.00	101,348.93	\$17,500	Do.
Westchester Creek, N. Y.	475,000.00	do	\$475,000	Do.
Bronx River, N. Y.	930,000.00	523,568.70	\$108,300	Do.
New Rochelle Harbor, N. Y.	35,000.00	20,204.43	do	Do.
Flushing Bay Harbor, N. Y.	235,700.00	60,496.07	\$116,000	Do.
Hempstead Harbor, N. Y.	47,000.00	39,468.11	Completed.	Do.
Huntington Harbor, N. Y.	32,000.00	29,493.06	do	Do.
Port Jefferson Harbor, N. Y.	145,000.00	91,223.71	\$53,600	Do.
Mattituck Harbor, N. Y.	176,700.00	94,956.40	\$81,800	Do.
Great South Bay, N. Y.	66,000.00	59,820.82	\$5,700	Do.
Browns Creek, N. Y.	46,000.00	25,000.00	No further work proposed.	Do.
Jamaica Bay, N. Y.	11,806,000.00	422,276.53	\$10,541,000	Do.
Sheepshead Bay, N. Y.	13,000.00	7,827.59	Completed.	Do.
New York Harbor, N. Y.	8,193,000.00	6,993,018.54	\$614,900	Do.
Coney Island Channel, N. Y.	168,300.00	111,371.21	\$32,000	Do.
Bay Ridge and Red Hook Channels, N. Y.	3,459,000.00	3,098,379.47	\$326,000	Do.
Buttermilk Channel, N. Y.	1,900,000.00	90,000.00	\$1,810,000	Do.
Gowanus Creek Channel, N. Y.	70,000.00	70,000.00	Completed.	Do.
East River, N. Y.	46,514,000.00	9,950,018.73	\$31,000,000	Do.
Wallabout Channel, N. Y.	40,000.00	13,173.69	Completed.	Do.
Newtown Creek, N. Y.	610,000.00	279,844.07	\$178,300	Do.
Harlem River, N. Y.	3,550,000.00	2,066,491.42	\$1,312,000	Do.
Hudson River Channel, N. Y.	3,000,000.00	2,799,474.08	do	Do.
Tarrytown Harbor, N. Y.	36,000.00	29,311.03	\$6,400	Do.
Peekskill Harbor, N. Y.	50,000.00	19,400.00	do	Do.
Wappinger Creek, N. Y.	13,000.00	13,000.00	Completed.	Do.
Saugerties Harbor, N. Y.	44,685.00	39,904.91	do	Do.
Rondout Harbor, N. Y.	172,500.00	90,000.00	do	Do.
Hudson River, N. Y.	7,530,000.00	6,512,278.12	\$710,000	Do.
Narrows of Lake Champlain, N. Y. and Vt.	737,000.00	566,811.14	\$163,000	Do.
Burlington Harbor, Vt.	923,442.00	706,414.11	\$173,000	Do.
Plattsburg Harbor, N. Y.	217,500.00	198,415.13	Completed.	Do.
Port Henry Harbor, N. Y.	71,500.00	69,406.46	do	Do.
Newark Bay, Hackensack and Passaic Rivers, N. J.	2,587,000.00	287,267.78	\$1,445,000	Do.
New York and New Jersey Channels.	10,400,000.00	1,905,228.72	\$5,900,000	Do.
Elizabeth River, N. J.	15,434.00	981.15	\$15,000	Do.
Woodbridge Creek, N. J.	35,000.00	30,822.70	Completed.	Do.
Raritan River, N. J.	424,000.00	248,795.28	\$175,000	Do.
South River, N. J.	176,975.00	137,224.41	Completed.	Do.

¹ Experimental new work \$250,000 and \$200,000 annually for operation of a dredge.
² No approved estimate.

TABLE NO. 2.—List of approved projects now under way—Continued

Locality	Estimated cost	Expended on new work	Balance required to complete	Remarks
Cheesquake Creek, N. J.	\$90,000.00	\$40,000.00	\$50,000.00	Future work for maintenance only.
Keyport Harbor, N. J.	40,475.00	40,475.00	Completed.	
Matawan Creek, N. J.	33,120.00	21,000.00		Do.
Shoal Harbor and Compton Creek, N. J.	64,130.00	17,000.00	\$47,130.00	Do.
Shrewsbury River, N. J.	146,000.00	96,304.66	\$50,000.00	Do.
Delaware River between Philadelphia and Trenton	846,000.00	792,520.05	Completed.	Do.
Delaware River, Philadelphia to the sea.	15,300,000.00	10,348,299.94	\$4,118,000.00	Do.
Delaware River at Camden.	186,080.00	174,101.80	Completed.	Do.
Schuykill River, Pa.	1,649,173.00	1,449,082.95	\$174,000.00	Do.
Ice Harbor and Marcus Hook, Pa.	None.	198,963.64	Completed.	Do.
Pier in Delaware Bay at Lewes, Del.	None.	413,546.41	Completed.	Do.
Harbor of Refuge, Delaware Bay, Del.	4,665,000.00	2,238,205.34	do.	Do.
Cooper River, N. J.	35,000.00	33,101.64	do.	Do.
Woodbury Creek, N. J.	38,000.00	24,142.70	do.	Do.
Mantua Creek, N. J.	145,030.00	104,535.04	\$40,495.00	Do.
Raccoon Creek, N. J.	105,535.00	82,907.73	Completed.	Do.
Oldmans Creek, N. J.	89,500.00	31,188.43	\$58,300.00	Do.
Salem River, N. J.	38,600.00	38,600.00	Completed.	Do.
Alloway Creek, N. J.	25,000.00	21,397.73	do.	Do.
Cohansey River, N. J.	55,800.00	48,578.89	do.	Do.
Maurice River, N. J.	156,200.00	63,954.20	\$90,000.00	Do.
Cold Spring Inlet, N. J.	1,311,000.00	879,274.62	Completed.	Do.
Absecon Inlet, N. J.	240,000.00	150,322.93	do.	Do.
Absecon Creek, N. J.	15,000.00	11,934.96	Completed.	Do.
Tuckerton Creek, N. J.	61,380.00	59,742.16	do.	Do.
Toms River, N. J.	10,050.00	10,050.00	Completed.	Do.
Chester River, Pa.	3,600.00		do.	Do.
Wilmington Harbor, Del.	1,105,625.00	750,239.16	\$257,000.00	Do.
Inland Waterway, Delaware River-Chesapeake Bay, Del. and Md.	9,500,000.00	5,206,493.20	\$2,150,000.00	Do.
Smyrna River, Del.	89,000.00	80,302.05	\$4,000.00	Do.
Leipsic River, Del.	18,500.00	36,956.06	Completed.	Do.
Little River, Del.	14,000.00	12,015.86	do.	Do.
Appoquinimink River, Del.	39,963.00	36,973.35	\$3,000.00	Do.
St. Jones River, Del.	268,000.00	51,996.34	\$165,000.00	Do.
Murderkill River, Del.	47,550.00	37,630.07	\$9,900.00	Do.
Mispillion River, Del.	87,050.00	87,049.89	Completed.	Do.
Broadkill River, Del.	68,330.00	68,227.97	do.	Do.
Inland Waterway, Rehoboth Bay-Delaware Bay, Del.	356,000.00	252,789.94	\$88,000.00	Do.
Chincoteague Bay, Va.—Delaware Bay near Lewes, Del. (waterway).	None.	(?)		Do.
Waterway on coast of Virginia.	12,100.00	9,404.45	Completed.	Do.
Baltimore Harbor and channels, Md.	1,900,000.00	787,710.14	\$1,110,000.00	Do.
Susquehanna River above and below Havre de Grace, Md.	200,750.00	173,274.40	Completed.	Do.
Elk and Little Elk Rivers, Md.	6,060.00	6,060.00	do.	Do.
Chester River, Md.	19,562.00	17,659.48	do.	Do.
Corsica River, Md.	10,168.00	9,070.85	do.	Do.
Queenstown Harbor, Md.	25,896.00	25,858.27	do.	Do.
Chalborne Harbor, Md.	27,408.00	29,873.65	do.	Do.
Tilghman Island Harbor, Md.	7,790.00		do.	Do.
Tred Avon River, Md.	28,800.00	6,692.87	do.	Do.
La Trappe River, Md.	9,750.00	8,063.87	Completed.	Do.
Choptank River, Md.	79,000.00	78,996.34	do.	Do.
Tuckahoe River, Md.	15,600.00	9,727.36	do.	Do.
Warwick River, Md.	18,600.00	16,040.82	do.	Do.
Cambridge Harbor, Md.	31,595.00	28,821.13	do.	Do.
Slaughter Creek, Md.	4,140.00	4,140.00	do.	Do.
Nanticoke River, Md.	60,060.00	43,815.31	do.	Do.
Broad Creek River, Del.	14,520.00	14,520.00	do.	Do.
Tyaskin Creek, Md.	6,462.00	6,138.63	do.	Do.
Wicomico River, Md.	67,300.00	66,333.06	do.	Do.
Lower Thoroughfare at or near Dela Island, Md.	7,200.00	7,200.00	do.	Do.
Crisfield Harbor, Md.	51,942.00	50,422.54	do.	Do.
Broad Creek, Md.	57,200.00	28,227.19	do.	Do.
Pocomoke River, Md.	14,000.00	14,000.00	do.	Do.
Twitch Cove and Big Thoroughfare River, Md.	2,900.00	2,900.00	do.	Do.
Tangier Channel, Va.	16,434.00	15,627.98	do.	Do.
Potomac River at Washington, D. C.	2,500,000.00	2,455,831.43	do.	Do.
Potomac River at Alexandria, Va.	116,000.00	95,214.52	do.	Do.
Potomac River below Washington, D. C.	176,000.00	153,836.00	do.	Do.
Ocoquan Creek, Va.	64,000.00	22,598.44	92 per cent completed.	Do.
Aquia Creek, Va.	21,400.00	21,400.00	Completed.	Do.
Rappahannock River, Va.	171,000.00	217,487.20	do.	Do.
Urbanna Creek, Va.	70,000.00	38,811.77	do.	Do.
Mattaponi River, Va.	7,000.00	(?)	do.	Do.
Pamunkey River, Va.	55,000.00	39,666.23	do.	Do.

* Maintenance only.

† None. Ample depths obtained.

TABLE NO. 2.—List of approved projects now under way—Continued

Locality	Estimated cost	Expended on new work	Balance required to complete	Remarks
Locklies Creek, Va.	\$12,100.00	\$11,581.22	Completed.	Future work for maintenance only.
Norfolk Harbor, Va.	5,491,750.00	3,954,645.07	\$2,090,500.00	Do.
Thimble Shoal Channel, Va.	3,078,400.00	1,850,647.76	\$325,840.00	Do.
Channel to Newport News, Va.	850,000.00	807,515.54	Completed.	Do.
James River, Va.	5,374,943.00	2,385,005.46	\$2,837,400.00	Do.
Appomattox River, Va.	283,000.00	274,964.30	Completed.	Do.
Pagan River, Va.	54,600.00	30,754.48	do.	Do.
Nansemond River, Va.	152,500.00	42,677.11	45 per cent completed.	Do.
Onancock River, Va.	13,500.00	13,038.02	Completed.	Do.
Waterway, Norfolk-Sounds of North Carolina.	274,310.00	251,196.46	do.	Do.
Waterway, Norfolk-Beaufort Inlet.	8,437,000.00	4,614,528.33	\$3,287,000.00	Do.
Blackwater River, Va.	8,000.00	1,144.33	Completed.	Do.
Meherrin River, N. C.	6,000.00	1,632.88	do.	Do.
Roanoke River, N. C.	269,000.00	227,074.12	\$42,000.00	Do.
Newbegun Creek, N. C.	5,000.00	4,802.08	Completed.	Do.
Scuppernon River, N. C.	46,800.00	21,428.98	69 per cent completed.	Do.
Manteo (Shallowbag) Bay, N. C.	13,750.00	10,503.18	Completed.	Do.
Waterway, Swan Quarter Bay-Deep Bay, N. C.	14,575.00	8,550.98	do.	Do.
Pamlico and Tar Rivers, N. C.	228,550.00	286,680.73	do.	Do.
Fishing Creek, N. C.	22,750.00	22,715.10	do.	Do.
South River, N. C.	22,092.00	12,432.02	do.	Do.
Bay River, N. C.	21,000.00	22,729.76	do.	Do.
Neuse River, N. C.	398,000.00	369,399.48	do.	Do.
Smiths Creek, N. C.	16,250.00	14,471.80	92 per cent completed.	Do.
Swift Creek, N. C.	1,600.00	1,600.00	Completed.	Do.
Contentnea Creek, N. C.	77,500.00	64,394.56	do.	Do.
Trent River, N. C.	39,000.00	39,411.48	do.	Do.
Channel, Thoroughfare Bay-Cedar Bay, N. C.	9,000.00	12,000.00	do.	Do.
Harbor at Beaufort, N. C.	216,576.00	192,991.56	95 per cent completed.	Do.
Waterway, Core Sound-Beaufort Harbor, N. C.	30,000.00	27,955.04	Completed.	Do.
Waterway, Beaufort-Jacksonville, N. C.	15,202.00		\$7,500.00	Do.
Harbor at Morehead City, N. C.	19,000.00	20,291.58	Completed.	Do.
Beaufort Inlet, N. C.	45,000.00	44,484.24	do.	Do.
Cape Lookout, harbor of refuge, N. C.	3,526,600.00	1,363,798.72	\$2,162,000.00	Do.
Cape Fear River at and below Wilmington, N. C.	992,940.00	502,658.14	\$265,000.00	Do.
Cape Fear River above Wilmington, N. C.	1,131,000.00	1,099,081.71	\$32,000.00	Do.
Northeast (Cape Fear) River, N. C.	80,750.00	10,687.96	\$50,750.00	Do.
Black River, N. C.	13,000.00	12,358.40	Completed.	Do.
Shallotte River, N. C.	9,845.00	8,407.83	do.	Do.
Winyah Bay, S. C.	650,000.00	491,211.73	\$128,000.00	Do.
Waccamaw River, N. C. and S. C.	138,400.00	250,313.58	Completed.	Do.
Great Pee Dee River, S. C.	235,345.00	183,712.41	do.	Do.
Santee River and Estherville-Minim Creek Canal.	350,000.00	174,619.85	84 per cent completed.	Do.
Congaree River, S. C.	464,000.00	364,823.87	do.	Do.
Waterway, Charleston-Winyah Bay.	235,790.00	210,768.69	Completed.	Do.
Charleston Harbor, S. C.	7,540,000.00	1,346,548.98	\$6,040,000.00	Do.
Ashley River, S. C.	51,150.00	51,150.00	Completed.	Do.
Wappoo Cut, S. C.	88,000.00	59,489.64	do.	Do.
Savannah Harbor, Ga.	4,475,000.00	3,389,571.36	\$969,000.00	Do.
Savannah River below Augusta, Ga.	711,884.00	645,566.55	Completed.	Do.
Savannah River at Augusta, Ga.	403,000.00	200,550.30	do.	Do.
Savannah River above Augusta, Ga.	33,000.00	30,599.99	do.	Do.
Waterway, Beaufort, S. C.—St. Johns River, Fla.	428,700.00	341,628.89	\$87,000.00	Do.
Sapelo Harbor, Ga.	21,000.00	17,905.73	Completed.	Do.
Darien Harbor, Ga.	170,000.00	136,793.21	do.	Do.
Fancy Bluff Creek, Ga.	8,000.00	8,000.00	do.	Do.
Satilla River, Ga.	20,000.00	9,451.59	do.	Do.
St. Marys River, Ga., and Fla.	19,450.00	15,698.36	do.	Do.
Altamaha River, Ga.	None.			Work entirely for maintenance.
Oconee River, Ga.	None.			Do.
Ocmulgee River, Ga.	None.			Do.
Brunswick Harbor, Ga.	1,932,650.00	973,681.88	\$959,000.00	Do.
Fernandina Harbor, Fla.	2,465,500.00	2,209,037.99	Completed.	Future work for maintenance only.
St. Johns River, Jacksonville-Ocean, Fla.	3,854,000.00	3,263,320.72	88 per cent completed.	Do.
St. Johns River, Jacksonville-Palatka, Fla.	219,000.00	205,698.47	do.	Do.
St. Johns River, Palatka-Lake Harney, Fla.	174,500.00	152,579.32	do.	Do.
Lake Crescent and Dunns Creek, Fla.	44,000.00	10,276.25	\$33,700.00	Do.

TABLE NO. 2.—List of approved projects now under way—Continued

Locality	Estimated cost	Expended on new work	Balance required to complete	Remarks
Oklawaha River, Fla.....	\$269,750.00	\$180,856.85	\$17,000.....	
Indian River, Fla.....	64,000.00	44,498.58	\$19,500.....	
St. Lucie Inlet, Fla.....	1,460,000.00	23,493.36	\$1,436,500; recommended for abandonment.	
Miami Harbor (Biscayne Bay), Fla.....	460,000.00	506,802.41	Completed..	Future work for maintenance only.
Key West Harbor, Fla.....	1,969,200.00	975,368.80	\$993,800.....	
Kissimmee River, Fla.....	24,220.00	23,479.18	\$750.....	
Caloosahatchee River, Fla.....	132,647.00	137,496.06	Completed..	Do.
Orange River, Fla.....	2,500.00	2,000.00	do.....	Do.
Charlotte Harbor, Fla.....	40,000.00	15,578.84	do.....	Do.
Sarasota Bay, Fla.....	172,000.00	164,259.21	\$7,740.....	
Channel from Clearwater Harbor through Boca Ciega Bay to Tampa Bay, Fla.....	101,200.00	105,877.01	Completed..	Do.
Anclote River, Fla.....	51,500.00	51,651.50	do.....	Do.
Crystal River, Fla.....	84,647.00	25,000.00	do.....	Do.
Withlacoochee River, Fla.....	230,300.00	285,085.29	do.....	Do.
Suwannee River, Fla.....	55,158.00	66,263.94	95 per cent completed.	Do.
Tampa Harbor, Fla.....	4,765,000.00	4,045,092.13	\$386,000.....	
Manatee River, Fla.....	137,710.00	123,349.56	Completed..	Do.
St. Petersburg Harbor, Fla.....	50,000.00	32,688.62	\$5,000.....	
Water Hyacinth, Fla.....	None.		Maintenance only.	
Carrabelle Bar and Harbor, Fla.....	60,000.00	57,353.04	Completed..	Do.
Apalachicola Bay, Fla.....	204,000.00	82,144.59	\$122,000.....	
Apalachicola River, Cut-off-Lee Slough, and Lower Chipola River.....	106,000.00	108,463.69	Completed..	Do.
Upper Chipola River, Marianna to mouth.....	41,000.00	36,781.12	75 per cent completed.	Do.
Flint River, Ga.....	544,000.00	409,011.53	\$115,000.....	
Chattahoochee River, Ga. and Ala.....	1,155,000.00	872,529.63	\$284,000.....	
Channel, Apalachicola River-St. Andrews Bay, Fla.....	450,000.00	505,930.01	Completed..	Do.
Entrance to St. Josephs Bay, Fla.....	40,000.00	20,105.99	do.....	Do.
St. Andrews Bay, Fla.....	203,500.00	203,560.00	do.....	Do.
Choctawhatchee River, Fla. and Ala.....	91,457.00	134,494.02	do.....	Do.
Holmes River, Fla.....	5,000.00	8,562.05	do.....	Do.
Narrows in Santa Rosa Sound, Fla.....	24,000.00	22,525.86	do.....	Do.
Blackwater River, Fla.....	15,000.00	36,649.90	do.....	Do.
Escambia and Conecuh Rivers, Fla. and Ala.....	56,000.00	47,161.26	do.....	Do.
Pensacola Harbor, Fla.....	None.	351,709.74	do.....	Do.
La Grange Bayou, Fla.....	38,000.00		\$28,500.....	
Alabama River, Ala.....	850,000.00	568,371.07	\$283,000.....	
Cocosa River, Ga. and Ala.....	1,264,440.00	1,608,105.59	Completed..	Do.
Mobile Harbor, Ala.....	1,792,000.00	528,084.25	\$1,219,000.....	
Mobile Bay—Mississippi Sound Channel, Ala.....	50,000.00	45,604.59	Completed..	Do.
Black Warrior, Warrior, and Tombigbee Rivers, Ala.....	9,897,000.00	9,835,200.43	\$35,100.....	
Tombigbee River, mouth to Demopolis, Ala.....	(¹)			Do.
Tombigbee River, Demopolis—Walkers Bridge, Ala.....	779,400.00	150,307.73		
Pascagoula Harbor, Miss.....	283,000.00	119,952.87	\$163,000.....	
Gulfport Harbor and Ship Island Pass, Miss.....	118,000.00	117,188.99	Completed..	Do.
Pascagoula River, Miss.....	(²)			Do.
Biloxi Harbor, Miss.....	55,000.00	44,382.27	Completed..	Do.
Wolf and Jordan Rivers, Miss.....	30,000.00	29,195.19	do.....	Do.
East Pearl River, Miss.....	34,000.00	8,928.13	do.....	Do.
Water hyacinth in Alabama Southwest Pass, Mississippi River.....	14,793,000.00	13,386,426.29	\$1,316,500.....	
South Pass Channel, Mississippi River.....	(³)			Do.
South Pass Channel, Mississippi River (examinations and surveys).....	(³)			Do.
Lake Pontchartrain, La.....	44,000.00	31,372.22	Completed..	
Chefuncte River and Bogue Falia, La.....	5,460.00	19,342.24	do.....	Do.
Pass Manchac, La.....	6,000.00	1,374.10	do.....	Do.
Tickfaw, Natalbany, Ponchatoula, and Blood Rivers, La.....	10,230.00	8,115.49	do.....	Do.
Amite River and Bayou Manchac, La.....	26,991.00	24,900.82	do.....	Do.
Barataria Bay, La.....	87,500.00	27,681.75	\$16,500.....	
Bayou Lafourche, La.....	240,000.00	220,515.09	Completed..	Do.
Bayou Terrebonne, La.....	75,000.00	73,024.88	do.....	Do.
Bayou Plaquemine, Grand River, and Pigeon Bayous, La.....	1,740,000.00	1,884,035.64	do.....	Do.
Bayou Grossetete, La.....	30,000.00	29,392.49		Do.
Bayou Teche, La.....	727,000.00	587,885.74	\$86,000.....	
Achafalaya River, Morgan City to Gulf of Mexico, La.....	500,000.00	501,963.23	Completed..	Do.
Waterway, Mississippi River—Bayou Teche, La.....	875,000.00	672,112.72	\$100,000.....	

¹ Maintenance only.

TABLE NO. 2.—List of approved projects now under way—Continued

Locality	Estimated cost	Expended on new work	Balance required to complete	Remarks
Waterway, Franklin—Mermentau, La.....	\$722,000.00	\$249,051.81	\$463,700.....	
Waterway, Vermillion River—Schooner Bayou, La.....	37,500.00	37,500.00	Completed..	Future work for maintenance only.
Waterway, Mermentau River—Calcasieu River, La.....	260,000.00	279,288.44	do.....	
Waterway, Calcasieu River—Sabine River, La. and Tex.....	780,000.00	642,478.25	\$50,000.....	Do.
Bayou Vermillion, La.....	25,000.00	25,000.00	Completed..	Do.
Mermentau River Bayou Nezpique and Bayou Des Cannes, La.....	25,115.00	27,580.35	do.....	Do.
Bayou Queue de Tortue, La.....	45,000.00	33,655.18	do.....	Do.
Bayou Plaquemine Brule, La.....	33,000.00	32,759.90	do.....	Do.
Calcasieu River and Pass, La.....	775,800.00	449,425.58		
Water Hyacinth in Louisiana.....	(⁴)			
Sabine-Neches Waterway, Tex.....	5,500,000.00	3,045,477.15	\$2,677,500.....	
Johnsons Bayou, La.....	2,500.00	2,261.35	Completed..	Do.
Galveston Harbor, Tex.....	3,985,100.00	2,441,080.43	do.....	Do.
Galveston Channel, Tex.....	5,236,000.00	2,803,422.09	\$1,497,200.....	
Texas City Channel, Tex.....	1,400,000.00	1,184,023.91	Completed..	Do.
Port Bolivar Channel, Tex.....	91,080.00	85,213.85	90 per cent completed.	Do.
Houston Ship Channel, Tex.....	3,850,000.00	3,284,873.29	\$80,000.....	
East Bay Bayou (Hanna Reef), Tex.....	10,000.00	2,476.02	Completed..	Do.
Double Bayou, Tex.....	20,000.00	6,933.20		Do.
Anahuac Channel, Tex.....	None.	5,975.10	Completed..	Do.
Turtle Bayou, Tex.....	10,000.00	8,899.97	do.....	Do.
Trinity River (mouth), Tex.....	None.	3,840.44	do.....	Do.
Trinity River, Tex.....	72,000.00			
Cedar Bayou, Tex.....	None.	6,937.15	Completed..	Do.
Clear Creek, Tex.....	10,000.00	14,290.95	do.....	Do.
Dickinson Bayou, Tex.....	7,500.00	6,287.28	do.....	Do.
Chocolate Bayou, Tex.....	15,000.00	6,512.12	do.....	Do.
Bastrop Bayou, Tex.....	20,000.00	9,920.22	do.....	Do.
Oyster Creek, Tex.....	5,000.00	6,942.24	Completed..	Do.
Freeport Harbor, Tex.....	455,000.00	581,963.11		
Brazos River, Velasco to Old Washington, Tex.....	225,000.00	93,312.69	Completed..	Do.
Brazos River, Old Washington to Waco, Tex.....	(⁴)	(⁴)	(⁴).....	
West Galveston Bay—Brazos River Canal, Tex.....	141,528.00	134,491.04	Completed..	Do.
Brazos River—Matagorda Bay Channel, Tex.....	400,000.00	251,549.21	do.....	Do.
Pass Cavallo—Aransas Pass Channel, Tex.....	65,850.00	49,017.76	do.....	Do.
Aransas Pass—Corpus Christi Channel, Tex.....	2,114,000.00		\$1,364,000.....	
Pass Cavallo—Port Lavaca, Channel, Tex.....	10,000.00	9,699.48	Completed..	Do.
Guadalupe River to Victoria, Tex.....	92,700.00	172,547.28	do.....	Do.
Port Aransas, Tex.....	2,325,000.00	2,219,515.46	\$55,500.....	
Brazos Island Harbor, Tex.....	66,000.00	1,698.19		
Red River, Fulton to Washita River, Okla.....	(⁴)			
Cypress Bayou and Waterway between Jefferson, Tex., and Shreveport, La.....	120,000.00	202,817.48	Completed..	Do.
Red River below Fulton, Ark.....	None.	\$409,928.91		Do.
Ouachita and Black Rivers, Ark. and La.....	\$4,537,100.00	4,426,181.94		Do.
Tensas River and Bayou Macon, La.....	48,395.00	32,862.44	\$4,200.....	
Boeuf River, La.....	27,310.00	30,000.00	Completed..	Do.
Bayou Bartholomew, La. and Ark.....	26,862.00	45,873.53	do.....	Do.
Saline River, Ark.....	5,400.00	5,400.00	do.....	Do.
Bayous D'Arbonne and Corney, La.....	23,000.00	19,000.00	do.....	Do.
Yazoo River, Miss.....	120,000.00	320,637.64	do.....	Do.
Tallahatchie and Coldwater Rivers, Miss.....	65,000.00	43,481.48	do.....	Do.
Big Sunflower River, Miss.....	625,000.00	494,026.65	do.....	Do.
Steele and Washington Bayous and Lake Washington, Miss.....	15,000.00		Recommended for abandonment.	
Mouth of Yazoo River, Miss.....	1,200,000.00	1,179,210.87	Completed..	Do.
Arkansas River, Ark. and Okla.....	None.	115,200.00		
White River at Augusta Narrows.....	None.	25,800.00	Completed..	Do.
White River, Ark.....	(⁴)			Do.
Black River, Ark. and Mo.....	80,800.00	80,000.00	Completed..	Do.
Current River, Ark. and Mo.....	10,000.00	10,000.00	do.....	Do.
St. Francis and L'Anguille Rivers and Blackfish Bayou, Ark.....	(⁴)			Do.
Mississippi River between Ohio and Missouri Rivers.....	21,000,000.00	10,208,407.63	\$16,980,000.....	
Removal snags and wrecks below Missouri River, etc.....	(⁴)			Do.

³ Maintenance only.⁴ Abandoned (R. & H. act Sept. 22, 1922).

TABLE NO. 2.—List of approved projects now under way—Continued

Locality	Estimated cost	Expended on new work	Balance required to complete	Remarks
Mississippi River, Missouri River, Minneapolis, Minn.	\$27,000,000.00	\$15,440,449.50	\$9,738,000.00	
Mississippi River, Brainerd to Grand Rapids, Minn.	30,555.00	28,892.85	Completed.	Future work for maintenance only
Mississippi and Leech Rivers, Minn.	296,000.00	256,733.81	\$18,000.00	
Mississippi River, reservoirs at headwaters.	926,200.00	890,810.37	Completed.	Do.
St. Croix River, Wis. and Minn.	136,700.00	131,409.50	do.	Do.
Minnesota River, Minn.	10,000.00	9,282.42	do.	Do.
Missouri River, Kansas City-month.	20,000,000.00	7,987,445.92	\$10,000,000.00	
Missouri River, Kansas City-Sioux City.	None.	375,416.48		Do.
Missouri River, Sioux City-Fort Benton.	None.	299,734.64		
Kansas River, Kans.	10,000.00			
Osage River, Mo.	105,000.00	668,661.31		Do.
Gasconade River, Mo.	50,000.00	143,186.37		Do.
Cumberland River below Nashville.	4,596,448.00	4,215,037.14		Do.
Cumberland River above Nashville.	10,550,183.00	3,623,657.98	\$6,741,000.00	
Tennessee River:				
Below Riverton.	1,300,000.00	1,051,206.78		
Above Chattanooga.	4,875,614.00	1,601,886.35	\$3,250,000.00	
Chattanooga-Browns Island.	5,436,000.00	1,282,221.99	\$4,325,725.00	
Survey, act June 5, 1920.	200,000.00	153,509.66		
Browns Island to Riverton.	2,847,009.00	1,073,104.09		
Ohio River:				
Locks and dams.	103,059,130.00	58,974,278.38	\$24,309,600.00	
General improvement.	None.	7,120,725.22		Do.
Monongahela River, Pa.	6,640,439.00	3,519,340.63	\$3,340,439.00	
Allegheny River, Pa.:				
Open channel work.	91,425.00	197,000.00		Do.
Lock and dam construction.	7,267,000.00	3,224,627.62	\$4,021,000.00	
Big Sandy River, W. Va. and Ky.	526,250.00	1,204,304.92		Do.
Grand Marais Harbor, Minn.	163,954.00	160,936.68	Completed.	Do.
Agate Bay Harbor, Minn.	244,208.00	234,057.33	do.	Do.
Duluth-Superior Harbor, Minn. and Wis.	6,604,053.00	5,605,574.62	\$265,000.00	
Port Wing Harbor, Wis.	56,539.00	48,355.23	\$8,200.00	
Ashland Harbor, Wis.	269,994.00	263,426.97	Completed.	Do.
Ontonagon Harbor, Mich.	15,400.00	4,260.00	do.	Do.
Keweenaw Waterway, Mich.	2,723,000.00	1,954,104.81	\$82,000.00	
Marquette Bay harbor of refuge, Mich.	57,500.00	55,056.34	Completed.	Do.
Marquette Harbor, Mich.	1,228,066.00	1,045,123.51	do.	Do.
Grand Marais harbor of refuge, Mich.	484,000.00	355,885.29	\$131,700.00	
Warroad Harbor and River, Minn.	98,700.00	83,805.36		Do.
Zippel Bay, Lake of the Woods, Minn.	27,781.00	27,940.80		Do.
Baudette Harbor and River, Minn.	5,000.00	4,524.68	Completed.	Do.
Manistique Harbor, Mich.	338,462.00	307,252.18	Completed.	Do.
Menominee Harbor and River, Mich. and Wis.	50,000.00	44,832.30	do.	Do.
Green Bay Harbor, Wis.	227,100.00	138,852.16		Do.
Fox River, Wis.	749,103.00	698,960.26	\$15,000.00	
Sturgeon Bay and Lake Michigan Ship Canal, Wis.	251,000.00	243,223.05	Completed.	Do.
Algoma Harbor, Wis.	140,000.00	99,236.15	do.	Do.
Keweenaw Harbor, Wis.	53,690.00	24,808.03	do.	Do.
Two Rivers Harbor, Wis.	55,000.00	53,559.40	do.	Do.
Manitowoc Harbor, Wis.	486,000.00	234,248.48	do.	Do.
Sheboygan Harbor, Wis.	998,000.00	374,441.07	do.	Do.
Port Washington Harbor, Wis.	30,000.00	22,446.30	do.	Do.
Milwaukee Harbor, Wis.	4,592,000.00	397,448.32	2,900,000.00	
Racine Harbor, Wis.	649,000.00	521,899.75	\$27,000.00	
Kenosha Harbor, Wis.	35,000.00	40,553.04	Completed.	Do.
St. Joseph Harbor, Mich.	380,000.00	303,093.38	do.	Do.
South Haven Harbor, Mich.	279,370.00	162,018.74	\$115,000.00	
Saugatuck Harbor and Kalamazoo River, Mich.	286,000.00	274,294.80	Completed.	Do.
Holland Harbor, Mich.	273,052.00	315,007.99	do.	Do.
Grand Haven Harbor, Mich.	804,366.00	542,976.82	\$40,000.00	
Grand River, Mich.	430,000.00	123,871.03	\$149,000.00	
Muskegon Harbor, Mich.	380,000.00	225,189.54	\$66,000.00	
White Lake Harbor, Mich.	353,550.00	207,862.44	Completed.	Do.
Ludington Harbor, Mich.	1,090,587.00	1,036,085.93	\$55,000.00	
Manistee Harbor, Mich.	456,000.00	441,243.90	\$27,000.00	
Frankfort Harbor, Mich.	421,938.00	351,353.59	Completed.	Do.
Charlevoix Harbor, Mich.	186,000.00	80,205.04	\$23,750.00	
Waukegan Harbor, Ill.	345,000.00	310,314.39	Completed.	Do.
Chicago Harbor, Ill.	3,686,502.00	3,409,844.22	do.	Do.
Chicago River, Ill.	810,600.00	544,678.70	do.	Do.
Calumet Harbor and River, Ill. and Ind.	2,268,500.00	1,947,308.07	do.	Do.
Indiana Harbor, Ind.	1,800,000.00	1,296,712.45	do.	Do.
Michigan City Harbor, Ind.	1,153,155.00	1,113,654.66	\$39,500.00	
Illinois River, Ill.	2,500,000.00	1,745,164.43	\$704,800.00	
St. Marys River, Mich.	24,628,685.00	23,362,081.04	Completed.	Do.
St. Clair River, Mich.	532,837.00	833,140.08	do.	Do.
Channels in Lake St. Clair, Mich.	1,894,385.00	1,779,423.03	do.	Do.
Detroit River, Mich.	14,970,950.00	12,235,685.98	do.	Do.

TABLE NO. 2.—List of approved projects now under way—Continued

Locality	Estimated cost	Expended on new work	Balance required to complete	Remarks
Mackinac Harbor, Mich.	\$80,000.00	\$77,982.12	Completed.	Future work for maintenance only.
Cheboygan Harbor, Mich.	90,797.00	69,783.81	do.	Do.
Rogers City Harbor, Mich.	6,000.00	5,666.34	do.	
Alpena Harbor, Mich.	103,600.00	98,969.59	do.	
Saginaw River, Mich.	786,000.00	771,134.94	do.	
Harbor Beach, Lake Huron, harbor of refuge, Mich.	1,658,550.00	1,178,304.79	Completed.	Do.
Black River, Mich.	75,000.00	34,698.65	do.	Do.
Clinton River, Mich.	34,564.00	34,546.26	do.	Do.
Rouge River, Mich.	590,000.00	581,645.86	do.	Do.
Monroe Harbor, Mich.	68,485.00	164,639.41	do.	Do.
Toledo Harbor, Ohio.	1,505,000.00	1,267,406.91	do.	Do.
Port Clinton Harbor, Ohio.	90,000.00	71,949.86	do.	Do.
Sandusky Harbor, Ohio.	1,330,740.00	951,805.09	\$160,700.00	
Huron Harbor, Ohio.	350,000.00	232,659.08	\$117,300.00	
Vermilion Harbor, Ohio.	127,692.00	133,277.55	Completed.	Do.
Lorain Harbor, Ohio.	1,068,129.00	897,062.29	\$171,000.00	
Cleveland Harbor, Ohio.	7,026,456.00	5,183,294.66	\$1,650,000.00	
Fairport Harbor, Ohio.	1,252,577.00	789,443.27	\$414,000.00	
Ashtabula Harbor, Ohio.	1,933,529.00	1,733,648.74	\$200,000.00	
Conneaut Harbor, Ohio.	1,084,400.00	988,888.40	\$52,300.00	
Erie Harbor, Pa.	452,625.00	244,380.01		Do.
Dunkirk Harbor, N. Y.	99,275.00	56,174.10	Completed.	Do.
Buffalo Harbor, N. Y.	796,150.00	666,858.95	\$125,000.00	
Black Rock Channel and Tonawanda Harbor, N. Y.	6,801,630.00	5,713,464.80	\$886,000.00	
Niagara River, N. Y.	55,125.00	29,055.26	Completed.	Do.
Oleott Harbor, N. Y.	3,000.00	1,500.00	do.	Do.
Charlotte Harbor, N. Y.	31,680.00	21,808.10	do.	Do.
Great Sodus Bay Harbor, N. Y.	100,000.00	46,480.00	do.	Do.
Little Sodus Bay Harbor, N. Y.	80,000.00	69,066.20	do.	Do.
Oswego Harbor, N. Y.	950,000.00	873,503.52	\$41,500.00	
Cape Vincent Harbor, N. Y.	200,000.00	198,819.03	\$1,180.00	
Ogdensburg Harbor, N. Y.	259,970.00	200,536.61	Completed.	Do.
San Diego Harbor, Calif.	1,540,486.00	1,304,412.30		
Los Angeles Harbor, Calif.	7,775,800.00	6,505,015.76	\$450,000.00	
San Francisco Harbor, Calif.	1,000,000.00	313,316.70	\$145,000.00	
Redwood Creek, Calif.	12,000.00	10,320.80	Completed.	Do.
Oakland Harbor, Calif.	1,371,450.00	118,133.16	\$885,000.00	
Richmond Harbor, Calif.	856,000.00	230,849.79	\$173,500.00	
San Pablo Bay and Mare Island Strait, Calif.	1,421,000.00	981,013.62	\$259,000.00	
Suisun Bay Channel, Calif.	129,000.00	58,901.25	Completed.	Do.
Suisun Channel, Calif.	25,000.00	22,984.77	do.	Do.
Napa River, Calif.	70,600.00	27,555.55	\$43,000.00	
Petaluma Creek, Calif.	117,200.00	101,868.20	Completed.	Do.
San Rafael Creek, Calif.	54,000.00	27,118.49	do.	Do.
Monterey Harbor, Calif.	800,000.00		\$600,000.00	Conditions not complied with.
Humboldt Harbor and Bay, Calif.	3,283,000.00	1,987,533.02	\$640,000.00	
Crescent City Harbor, Calif.	1,200,000.00	253,807.09	\$355,000.00	
Noyo River, Calif.	16,000.00	11,282.20		
San Joaquin River, Calif.	210,632.00	431,406.76	Completed.	Future work for maintenance only.
Stockton and Mormon Channels (diverting canal), Calif.	280,395.00	253,151.03	do.	Do.
Mokelumne River, Calif.	8,250.00	8,500.00	do.	Do.
Sacramento River, Calif.	280,000.00	37,212.71		
Feather River, Calif.	20,000.00	6,164.71		
Couville River, Oreg.	178,000.00	159,710.47		
Coos Bay, Oreg.	4,085,000.00	1,213,562.53	\$2,045,000.00	
Coos River, Oreg.	8,000.00	8,000.00	Completed.	Do.
Siuslaw River, Oreg.	651,000.00	321,946.59	do.	Do.
Yaquina River, Oreg.	72,000.00	28,800.00	do.	Do.
Yaquina Bay and Harbor, Oreg.	1,518,430.00	661,869.64	\$54,215.00	
Tillamook Bay and Bar, Oreg.	407,000.00	391,536.25		
Nehalem Bay, Oreg.	632,350.00	606,831.64	Completed.	Do.
Umpqua River, Oreg.	1,330,000.00	234,519.39	\$777,000.00	
Cascades Canal, Columbia River, Oreg.	3,856,763.00	3,903,780.30		
The Dalles-Cello Canal, Oreg. and Wash.	4,845,000.00	4,667,882.78	Completed.	Do.
Columbia River and tributaries above Celilo Falls to mouth of Snake River, Oreg. and Wash.	400,000.00	387,510.90	do.	Do.
Snake River, Oreg., Wash., and Idaho.	236,660.00	138,250.83	\$86,800.00	
Columbia River at mouth, Oreg. and Wash.	14,230,737.00	11,359,479.68	Completed.	Do.
Columbia and Lower Willamette Rivers, below Vancouver, Wash., and Portland, Oreg.	3,003,600.00	1,582,286.95	\$1,168,974.00	
Willamette Slough, Oreg.	23,350.00		Completed.	Do.
Clatskanie River, Oreg.	4,620.00	4,620.00	Completed.	Do.
Willamette River above Portland, Oreg.	303,216.00	249,301.43	\$53,900.00	
Lewis River, Wash.	61,500.00	36,797.11	\$15,170.00	
Cowlitz River, Wash.	39,100.00	33,824.29	Completed.	Do.
Skamokawa Creek, Wash.	2,400.00	2,400.00	do.	Do.
Grays River, Wash.	2,500.00	2,500.00	do.	Do.
Willapa River and Harbor, Wash.	819,170.00	814,870.24	do.	Do.

TABLE NO. 2.—List of approved projects now under way—Continued

Locality	Estimated cost	Expended on new work	Balance required to complete	Remarks
Grays Harbor and Bar Entrance, Wash.	\$3,330,000.00	\$2,604,447.17	\$725,000.00	
Grays Harbor, inner portion, between Aberdeen and the entrance to said harbor and Chehalis River, Wash.	312,500.00	238,188.26	Completed	Future work for maintenance only.
Houquiam River, Wash.	12,000.00	8,620.59	do	Do.
Puget Sound and tributary waters, Wash.	(¹)			Do.
Waterway, Port Townsend Bay and Oak Bay, Wash.	77,500.00	73,322.35	Completed	Do.
Port Gamble Harbor, Wash.	\$24,000.00	11,911.08	do	Do.
Olympia Harbor, Wash.	205,000.00	183,256.52	do	Do.
Tacoma Harbor, Wash.	415,000.00	309,603.04		
Seattle Harbor, Wash.	(²)			Do.
Lake Washington Ship Canal, Wash.	3,728,000.00	2,862,675.54	\$323,000.00	
Snohomish River, Wash.	280,000.00	231,818.60	Completed	
Skagit River, Wash.	145,000.00	99,829.80		
Swinomish Slough, Wash.	122,000.00	183,029.51		
Bellingham Harbor, Wash.	92,250.00	88,554.42	Completed	Do.
Nome Harbor, Alaska	273,000.00	272,950.13	do	Do.
Wrangell Harbor, Alaska	50,000.00	6,325.46		
Honolulu Harbor, Hawaii	2,593,000.00	1,842,028.42	\$366,000.00	
Kahului Harbor, Hawaii	744,300.00	718,259.26	Completed	
Hilo Harbor, Hawaii	1,700,000.00	1,321,020.23		
Nawiliwili Harbor, Hawaii	2,350,000.00	616,811.35	\$1,587,000.00	
San Juan Harbor, P. R.	1,700,000.00	1,295,018.70	\$202,000.00	
Yuba River, restraining barriers.	\$800,000.00	723,259.02		

¹ Maintenance only.² One-half by local interests.

Total to complete, \$200,987,208.

Mr. WILLIS. Mr. President, the country, in my opinion, is not aware of the tremendous program that has already been adopted. I have tried to make a summary of this table, and I find that already, if we shall not pass this bill the number of

harbors under improvement at the present time is 199; that the number of rivers under improvement is 284, and the number of canals under improvement 53, making a total of 536 projects now under way, even if this bill shall not be passed.

Mr. PITTMAN. Mr. President—

Mr. WILLIS. I yield to the Senator from Nevada.

Mr. PITTMAN. Does the Senator know how many boats are carrying on traffic on all of the rivers that are being improved?

Mr. WILLIS. No; I am unable to give the Senator that information, but shall give him some information in a moment, if he will bear with me, that will help him to arrive at a conclusion.

Mr. PITTMAN. A little later on I will assist in furnishing that information. With the exception of one or two rivers, there are no boats engaged in traffic on these rivers.

Mr. WILLIS. I think the Senator is correct in that. But the point I want just now to make is that we now have under operation 536 different projects, as I have just stated, and yet it is proposed in this bill that we shall add to that number about 120 surveys—that was the number originally in the bill, and some dozen or fifteen more will be added to that, and a large number of other projects. If we shall not pass this bill there will be more work than the engineers can carry to completion for many years to come.

My friend, the distinguished chairman of the committee, asked particularly that I call attention to some of the items recommended for abandonment that are in this bill. I do not know that I have them all marked, but here is one—and, by the way, here, Mr. President, so that the information may be obtainable, I place in the Record, if I have that permission, another table showing a list of river and harbor projects approved and undertaken upon which work was stopped before completion. I ask permission to place that in the Record.

The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

TABLE NO. 1.—List of river and harbor projects approved and undertaken upon which work was stopped before completion

Locality	Estimated cost	Amount expended	Balance required to complete ¹	Date of cessation of work	Remarks
Harbor of refuge of Sandy Bay, Cape Ann, Mass.	\$6,904,952.00	\$1,925,552.00	\$5,000,000.00	1916	Recommended for abandonment in House Document No. 411, Sixty-fourth Congress, first session, and River and Harbor Committee Document No. 3, Sixty-fifth Congress, first session.
Powow River, Mass.	100,000.00	50,940.00	50,000.00	1905	Repealed by river and harbor act of Mar. 3, 1905.
Coseob Harbor and Mianus River, Conn.	54,000.00	17,449.00	36,500.00	1899	Do.
Delaware River at or near mouth of Neversink River.	6,612.50		6,612.50		Recommended for abandonment in House Document No. 600, Sixty-fourth Congress, first session.
Smiths Creek, N. C.	16,250.00	14,471.00	1,800.00	1913	Recommended for abandonment in House Document No. 1848, Sixty-fifth Congress, third session.
Harbor of refuge at Cape Lookout, N. C.	3,526,600.00	1,363,798.00	2,162,000.00	1918	Maintenance work only has been done in recent years.
Charleston Harbor, S. C.	7,540,000.00	1,346,548.00	6,040,000.00	1921	For 40-foot depth. Work held in abeyance pending completion of naval dry dock. 40-foot channel not needed in connection with ordinary commerce, and is justified only in connection with the naval dry dock.
St. Lucie Inlet, Fla.	1,460,000.00	23,493.00	1,436,500.00	1918	Recommended for abandonment in House Document No. 370, Sixty-fifth Congress, first session.
Coosa River, Ga. and Ala.	1,264,440.00	1,608,105.00		1924	Recommended for abandonment in House Document No. 1018, Sixty-sixth Congress, third session.
Tombigbee River, from Demopolis, Ala., to Walkers Bridge, Miss.	4,500,000.00	1,150,307.00	4,500,000.00	1902	Recommendation in House Document No. 1137, Sixty-fourth Congress, first session. Provides for snagging only at cost of \$15,000 annually.
Pearl River below Rockport, Miss.	265,917.00	144,443.00	121,500.00	1912	Abandoned by river and harbor act of Sept. 22, 1922.
Bayou Lafourche, La.	210,000.00		210,000.00		River and harbor act of June 13, 1902, authorized the construction of this lock by local levee boards.
Trinity River, Tex.	13,500,000.00	1,890,405.00	11,600,000.00	1921	Abandoned by river and harbor act of Sept. 22, 1922.
Brazos River, Tex., from Old Washington to Waco.	2,915,000.00	1,433,615.00	1,481,400.00	1924	Do.
Bayou Bartholomew, La. and Ark.	26,862.00	45,873.00		1897	Recommended for abandonment in House Document No. 1692, Sixty-fourth Congress, second session.
Steele and Washington Bayous and Lake Washington, Miss.	15,000.00	(²)	15,000.00	1922	Recommended for abandonment in House Document No. 1694, Sixty-fourth Congress, second session.
Lake Traverse, Minn. and S. Dak.	7,510.00	91.00	7,420.00	1913	Recommended for abandonment in House Document No. 439, Sixty-fourth Congress, first session.
Red River of the North, Minn. and N. Dak.	319,320.00	302,413.00	17,000.00	1902	Recommended for abandonment in House Document No. 1666, Sixty-third Congress, third session.
St. Francis River, Mo.	11,200.00	9,825.00	1,400.00	1904	Repealed by river and harbor act of Mar. 3, 1905.
French Broad and Little Pigeon Rivers, Tenn.	251,485.00	166,604.00	84,800.00	1916	Recommended for abandonment in House Documents Nos. 489 and 428, Sixty-fourth Congress, first session.
Clinch River, Tenn. and Va.	50,000.00	53,949.00		1914	Recommended for abandonment in House Document No. 532, Sixty-fourth Congress, first session.
Hiwassee River, Tenn.	71,125.00	76,884.00		1913	Recommended for abandonment in House Document No. 405, Sixty-fourth Congress, first session.
Youghiogheny River, Pa.	1,050,000.00	12,194.00	1,038,000.00	1912	Recommended for abandonment in House Documents Nos. 1284, Sixty-fourth Congress, first session, and 60, Sixty-sixth Congress, first session.
Tug and Levis Forks, Big Sandy River, W. Va. and Ky.	1,044,830.00	518,580.00	526,250.00	1910	Recommended for abandonment in House Document No. 1159, Sixty-third Congress, second session.
Fox River, Wis.	749,103.00	698,960.00	15,000.00	1922	Abandonment of Wolf River above Fremont and of upper Fox River from the mouth of the Wolf River to the Wisconsin River is recommended in House Document No. 146, Sixty-seventh Congress, second session.

¹ The amounts required to complete are the latest amounts available and in a majority of the works were made many years ago and would be entirely inadequate at the present time.

² Expenditures were for payment of outstanding liabilities for submerged land flooded by construction of lock and dam at Mayos Bar.

³ For open-channel work.

⁴ Only work done has been maintenance.

TABLE NO. 1.—List of river and harbor projects approved and undertaken upon which work was stopped before completion—Continued

Locality	Estimated cost	Amount expended	Balance required to complete	Date of cessation of work	Remarks
Portage Lake harbor of refuge, Mich.....	\$344,300.00	\$256,129.00	\$87,000.00	1913	Recommended for abandonment in House Document No. 588, Sixty-fourth Congress, first session.
Michigan City Harbor, Ind.....	1,153,154.00	1,113,654.00	39,500.00	1912	House Document No. 20, Sixty-seventh Congress, first session, recommends abandonment of upper end of Trail Creek Channel and old east breakwater.
Puyallup Waterway, Tacoma Harbor, Wash.....	240,000.00	159,584.00	80,000.00	1910	Work is held in abeyance due to nonfulfillment of conditions of local cooperation.

Mr. WILLIS. The projects enumerated have been abandoned, so far as the work by the board of Army Engineers is concerned.

Here is one of them: Smiths Creek, N. C. That is recommended for abandonment, but it is in this bill.

Here is another one, the Tombigbee River. That is also recommended for abandonment, but it is in this bill, put in upon the request of a most delightful and lovable Senator, my friend, who gave not the slightest reason on earth why it should be again placed in the bill except that he wanted it in the bill; and it is there.

Mr. HEFLIN. Mr. President, I want to say to the Senator that that is a very worthy project.

Mr. WILLIS. I was not now discussing that. I was saying that projects which have been recommended for abandonment are included in this bill.

Mr. HEFLIN. This one ought never to have been stricken out.

Mr. WILLIS. That may be. I am not now discussing that phase of the matter.

Mr. JONES of Washington. Mr. President—

Mr. WILLIS. I yield to the Senator from Washington.

Mr. JONES of Washington. Does the Senator mean that Smiths Creek and the Tombigbee River are included in the list for surveys?

Mr. WILLIS. I will look that up in a moment.

The VICE PRESIDENT. The Senator has consumed 30 minutes on the amendment, and has an hour upon the bill if he desires it.

Mr. WILLIS. I thank the Chair. I will use at least a portion of that hour. What is the question of the Senator, again?

Mr. JONES of Washington. My recollection is that no Senator asked for either Smiths Creek or the Tombigbee River to be included as an adopted project in the bill, so I suppose those must be covered by surveys.

Mr. WILLIS. We will see about that in a moment. However, for my purpose it does not make any difference, because that is the way in which projects that are undesirable finally work their squirmy way into the Treasury. We will first get a survey at the request of somebody; then, under local pressure, there will be some sort of report; and then, when the report comes in, under pressure in the committee, we do not always follow the report; and I do not blame the chairman for that. He knows that.

Mr. JONES of Washington. If the Senator will permit me, I was interested in the statement of the Senator that projects that had been abandoned were taken up in this bill.

Mr. WILLIS. They are taken up, at least, by surveys. I will modify my statement to that extent.

Mr. JONES of Washington. I knew that the Senate Committee on Commerce had not adopted in this bill any project that had been recommended for abandonment; and I wondered whether the Senator had found that the House had put in some such projects.

Mr. WILLIS. Unfortunately, I have not had the opportunity to go over all the items in the bill. Here are the ones I had marked in this list. The Senator is of opinion—and I am rather inclined to agree with him—that the Smiths Creek proposition is for a survey; but, Mr. President, I will take that up more fully later on.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WILLIS. I will yield. I have only an hour, and I hope the Senator will be brief.

Mr. McKELLAR. My question will be very brief. From listening to the Senator, I am beginning to think that he is opposed to all river and harbor improvements. Is that thought correct?

Mr. WILLIS. It is entirely incorrect.

Mr. McKELLAR. Does the Senator, then, confine his belief in river and harbor improvements to the State of Ohio?

Mr. WILLIS. I confine my belief in river and harbor improvements to those improvements which are likely to be of some benefit to commerce, and I am not in favor of the improvement of Duck Creek or some other unimportant stream somewhere that never had any commerce and never will have any.

Mr. McKELLAR. I think perhaps the Senator will find that the State of Ohio has received almost, if not quite, as large appropriations from the United States Government for river and harbor improvements as any other State in this Union.

Mr. WILLIS. I have no doubt it has heretofore been ably represented.

Mr. McKELLAR. I was just wondering if, after having received the improvements for the State of Ohio, most of which are nearly complete, the Senator was now getting cold feet toward river and harbor improvements.

Mr. WILLIS. I thought likely some one would say that, and it does not embarrass me in the slightest degree. I want to say to my friend, with the utmost candor, that if he thinks my position upon any proposition in this bill or any other one is to be controlled by what somebody got for Ohio at some time he is entirely mistaken. I propose to stand for those things in bills which I think are right and to oppose those things which I think are wrong; and I decline to be frightened because somebody says: "Well, Ohio got this or that." I think that does not enter into the question at all.

But, Mr. President, referring to this table which I have just placed in the RECORD—this list of river and harbor projects, approved and undertaken, upon which work was stopped before completion—I find by a hasty computation that here is one item upon which we expended \$1,608,000, and then it was abandoned; another item upon which we expended \$1,433,000, and then it was abandoned; and another upon which we expended \$302,000, and then it was abandoned. The total amount lost through those particular expenditures that were made on projects that were later entirely abandoned, with the idea that they would be forgotten while we were adopting some new surveys and projects, was \$13,382,866; but, then, we are not supposed to object to a thing of that kind.

Mr. President, so far as I can I want to emphasize the point that if we did not pass this bill, here is ample work for the Board of Army Engineers to carry on for very many years to come.

Now, I want to call attention to just a few items. I have have had time to examine only a few of them.

For example, on page 2 of the bill there is Great Kills, Staten Island, N. Y. I am reminded of that because my friend from New York has just come into the Chamber. I have the report upon that. I read from the report of the engineers, page 2. It says:

The district engineer can find little definite information bearing on the need for a harbor of refuge.

That is what this project is for.

Over on page 3 he says:

It can not be said, from available data, that the need for such a harbor is extremely urgent, but it would undoubtedly be desirable and convenient.

We do not have to have it. Of course, it would be a nice thing to have around the house, but it is not particularly useful; yet, upon that report we adopt the project and provide for the expenditure of \$62,000 or thereabouts.

I read now from the report of the senior member of the board, General Jadwin. Over at page 5 he says:

It can not be said, from available data, that the need for such a harbor is extremely urgent, but it would undoubtedly be desirable and convenient.

Using exactly the same language that the local engineer used; and so it goes through the report. It is said that this

is needed as a harbor of refuge. If we will turn to page 16 of the engineering report we find some interesting information. We might be led to suppose, from the title of this, that great marine disasters were to be avoided if this appropriation were made. What does the engineer say?

With regard to marine disasters in the past that might have been avoided by the existence of a harbor of refuge, only one is cited, and that of a small towboat that went aground recently while trying to negotiate the harbor in fair weather, and was later destroyed by a storm before it could be floated.

That would not indicate that there is any great necessity for a harbor of refuge there. In fact, quite the contrary is indicated; and yet upon that meager information, which tends to negative the proposition, the project is adopted.

That is only one. We might turn to some others here. I had time to hunt up only a few, just to indicate the general character of the bill.

For example, turn over to page 15. There is a provision for a survey for Fall River Harbor, Mass. I find in that case that that harbor is already under improvement by the United States under projects authorized in 1899, 1902, and 1910. This project provides for a channel 300 feet wide and 25 feet deep, at mean low water, through Mount Hope Bay and Fall River Harbor. I get all this from the document, which I have summarized. Up to June 30, 1925, there had been expended on this project \$330,000 for new work and \$80,000 for maintenance—a total expenditure of \$410,000—and the report of the Chief of Engineers for 1925 is, at page 66:

No additional funds can be profitably expended during the fiscal year 1927, as the improvement is in a condition to meet the demands of existing traffic.

That is the report of the engineer. He says no money is needed; that the improvement is in condition to meet the needs of existing traffic; and yet it is proposed here that there shall be a survey looking to larger expenditures.

Mr. PITTMAN. Mr. President—

Mr. WILLIS. I yield to the Senator.

Mr. PITTMAN. I rise simply to make a parliamentary inquiry.

The unanimous-consent agreement for the special order provides that—

After 3 o'clock p. m. on December 21, 1926, no Senator shall speak more than once or longer than 15 minutes on the bill or any amendment.

I desire to have the opinion of the Chair as to whether that permits a Senator to speak on any amendment that is offered. The VICE PRESIDENT. So the Chair understands.

Mr. PITTMAN. I will state to the Chair that the reason why I ask is that I have some amendments that I propose to offer when the committee amendments are disposed of, and I desire to know whether I shall have a chance to explain each one of them.

The VICE PRESIDENT. There is no limitation on the power of submitting amendments in the unanimous-consent agreement.

Mr. WILLIS. I call attention, second, to another item that happened to catch my eye—Taunton River, Mass. Here is what the report says. This project was practically completed in 1900, and I now quote:

No work is proposed as the condition of the channel appears to meet the demands of present commerce.

That is what the engineer says. He is not asking for any more money. The channel is sufficient; yet we put it in here for a new survey, and in due course, two or three years, it will be found that large appropriations will be asked for.

We have had some discussion about the situation in New Jersey. Perhaps it is not necessary to go further into that. I note, just in passing, that in the provision for the survey of projects already adopted for Newark Bay, Hackensack, and Passaic Rivers, those projects are only 27 per cent completed, and yet it is proposed to have a new survey looking toward larger expenditures.

Over on page 16 is Cold Spring Inlet, N. J. I pass over these very hastily. The project already existing for this inlet is to provide a channel 25 feet deep at mean low water and 400 feet wide through the inlet a distance of 1 mile, protected by jetties. This inlet connects Cold Spring Harbor with the Atlantic Ocean about 3 miles west of Cape May City; and the Cape May Real Estate Co. contributed \$100,000 toward the cost of the improvement, besides building a part of the work and furnishing a certain right of way. The cost of the project to the United States was \$879,000 for new work and \$212,000

for maintenance. Now, note this: The average cost of maintenance for the past five years was \$26,000, which, added to 5 per cent of the first cost of the new work, gives \$70,000 as the annual cost to the United States, while the traffic was but 40,000 tons, showing a cost to the United States of \$1.75 a ton for all the trade carried through this inlet. It would have been cheaper in that case for the Government of the United States to hire trucks and ship the freight by truck, because it cost \$1.75 for every ton that was sent through.

I pass over many of these. Some of them I could not find. On page 17 there are certain rivers in Virginia—Little Machipongo, Mathews Creek, Nomini Bay, and Tangier Sound—which I could not find on the map to which I had access, so I am not able to discuss them at all. No doubt they are exceedingly important avenues of traffic, but they do not show on any map.

Over on page 18 I find another item. We come down now to North Carolina. It was there that I found three channels through a peninsula 10 miles across, and concerning which I made the remark the other day that if many more channels were to be constructed they would have to widen the peninsula; they would be getting in each other's way there. There would not be places to dig. But no doubt these channels are constructed because of the tremendous population to be served.

I notice at the bottom of page 17 an interesting item, providing for a channel leading from Oyster, Va., to the Atlantic Ocean. Upon inquiry I find that there are 75 people living in Oyster, Va., and I can understand why they would want to get away from it, and there ought to be a channel for the purpose. This is provided.

Then I come to the item about which the able chairman of the committee raised some question. I beg of him that he will give attention to this Smiths Creek proposition, because it is exceedingly interesting. I find it over on page 18. A survey is recommended for abandonment. Yet we are now taking it up with the idea that it shall be further improved. Let us see what the engineers say about it.

I have before me Document 184. The district engineer is of opinion "that no further improvement is advisable at this time." Then the department goes on to say:

This report has been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to its report herewith, concurring in the unfavorable views of the district and division engineers. In view of the small and declining commerce and the fact that the completion and maintenance of the existing project would be difficult and unduly expensive, because of the failure of local interests to construct an adequate bulkhead, the board repeats the recommendation contained in House Document No. 59, Sixty-fourth Congress, first session, that the project for Smiths Creek, N. C., be abandoned.

Yet we are proposing to survey it again, with the idea, no doubt, of eventually making further improvements there, notwithstanding this recommendation for abandonment.

The chairman of the committee will remember that this was the place where we had the difficulty with lumps. There was testimony that there were lumps in the channel, and Mr. F. A. Hampton appeared and stated that—

certain lumps in the channel of approach to the harbor, which did not show on the map, seriously inconvenienced navigation, and that the improvement desired was the removal of these lumps. At the request of the board, and by direction of the Chief of Engineers, a further examination, including soundings, was made in the presence of those interested, but no lumps were found.

So the survey was undertaken in order to find lumps, and it showed that the lumps are not.

I read on from this very interesting report:

The board therefore concurs in the opinion of the district and division engineers that it is not advisable for the United States to undertake any additional improvement at this locality.

And so the report goes on clear through. Here is the distinct recommendation of the engineer:

I recommend that no survey be made.

After it is thoroughly examined by experts, the men who ought to know, and they all say that we should not do it, we recommend it for a survey. The survey will be had, and in the course of two or three years the result will appear, and in four or five years more it will be recommended for abandonment. But no matter; in the meantime somebody will have been pleased and will have been reelected to Congress; all of which is highly desirable.

Summarizing this Smiths Creek proposition—

Mr. JONES of Washington. Mr. President, for the sake of the RECORD I find that this provision for Smiths Creek is one put in by the House, not by the Senate committee.

Mr. WILLIS. That is correct; it is a House provision. But I will say to the Senator that I much fear that we will place some provisions in the bill in the Senate that will be about as indefensible; but we will see about that.

Mr. JONES of Washington. I may suggest to the Senator that I have no doubt the engineers will make very quick work of this provision. Probably they will write a letter immediately turning it down.

Mr. WILLIS. I hope they will.

Mr. JONES of Washington. Just as they will do with a great many of these things.

Mr. WILLIS. I hope they will; but in view of the fact that we repeatedly go contrary to their advice in the premises, I should think they might become discouraged.

Summarizing the Smiths Creek proposition, where this tremendous navigation is to take place, and where the commerce of the earth is to center, where there will appear great *Leviathans* that plow the seas, the existing project for this important stream was reported in 1925 to have been 92 per cent completed; it had been recommended to Congress for abandonment, and no work was proposed for the following fiscal year. In fact, no work had been done for several years and no expenditures made. In June, 1925, a survey report was already pending on this river for a 10-foot depth improvement. Yet we have it showing up here.

There is the provision for Darien Harbor and Rifle Cut. As to those interesting items, I find they are situated pretty well to the south, which is not at all against them. The project was completed in 1905 and the controlling depth was 9 feet. The engineer says that the commerce is diminishing. So, because it is diminishing, we put it back in the bill, and say, "Let us survey it some more."

Then there is Amite River, in Louisiana. What do the engineers say about it?

The district engineer considers that the existing depths are ample for the present and immediately prospective commerce and that improvement is no longer required.

Upon that advice we proceed to put it in the bill as a project as well as for a survey.

Mr. President, I think the engineers would be constrained to say, "What is the use?" We recommend here an economy and business methods in the expenditure of public funds and yet we do not follow that advice.

Mr. President, I do not care to discuss what took place behind the closed doors of the Senate committee or refer to any individual, except to mention an incident, which the chairman will remember, with respect to an item in this bill proposing to improve a certain river up to a certain town. Hanging on the walls of the Commerce Committee is a map of the State in which that river is supposed to be, a map 5 feet square, I should say. I could not find the river on that map. I called the Senator who introduced the proposition, and he could not find it.

Mr. JOHNSON. Is the Senator looking at me?

Mr. WILLIS. I absolve the Senator from California entirely. It was not the Senator from California. I look at him because of his attractive personality.

Subsequently, however, we did locate this stream, a very small stream; but that stream to which the improvement is to be made does not go within 20 miles of the town. There is a little bit of a hair line on the map, indicating a rivulet, about as big as some of the little streams out in the arid sections of Kansas, a little bit of a stream, and that does not go within 20 miles of the town. Yet it is provided in this bill that we shall improve for navigation as far as this town a stream that does not appear on the map.

Mr. CURTIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Kansas?

Mr. WILLIS. I yield. It was not in the Senator's State.

Mr. CURTIS. I wanted to know whether that was the stream in the Senator's State 125 miles long across which they wanted to build a bridge.

Mr. WILLIS. No; the Senator is thinking about the canal out in his State, where they are going to put down artesian wells in order to get the water to run.

Mr. President, I say that without the passage of this bill at all there is more work to be done than can be done in seven or eight years. The completion of the projects already authorized will require the expenditure of more than \$200,000,000, and I venture to say that no man can guess with any degree of certainty how much is involved in this bill. If one certain project

shall be finally adopted, the expenditure will run into the hundreds of millions. Such amendments have been made in the Senate that, as I have said, no one can guess what expenditure is involved in this bill. It carried about \$35,000,000 as it came from the House, or somewhere in that neighborhood, and very extensive additions have been made. My judgment is that the people of the country would look with very much satisfaction upon action by the Senate unfavorable to this bill, but in the direction of greater economy in the expenditure of public funds and better business methods in river and harbor improvements.

Mr. JOHNSON obtained the floor.

Mr. McNARY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bingham	Ferris	Keyes	Shortridge
Blease	Fess	King	Simmons
Borah	Fletcher	Lenroot	Smoot
Bratton	Frazier	McKellar	Stanfield
Broussard	George	McMaster	Steck
Bruce	Gillett	McNary	Stewart
Cameron	Goff	Metcalf	Swanson
Capper	Gooding	Moses	Trammell
Caraway	Hale	Norris	Tyson
Copeland	Harris	Oddie	Wadsworth
Couzens	Harrison	Overman	Walsh, Mass.
Curtis	Hawes	Ransdell	Walsh, Mont.
Deneen	Hedin	Reed, Pa.	Warren
Dill	Howell	Robinson, Ind.	Watson
Edge	Johnson	Sackett	Wheeler
Edwards	Jones, N. Mex.	Schall	Willis
Ernst	Jones, Wash.	Sheppard	

The VICE PRESIDENT. Sixty-seven Senators having answered to their names, a quorum is present.

THE DIRECT PRIMARY

Mr. JOHNSON. Mr. President, on Saturday evening last, in New York City before the Pennsylvania Society, I believe it is called, a very notable address was delivered by a very distinguished and a very renowned gentleman. Because of the character of that address and because it deals with a policy that is cherished in the territory from which I come, I take the liberty for a very few moments this afternoon of expressing the views of that territory—not in answering, for that would be impossible for me with the gentleman who would be my antagonist in that regard, but in endeavoring to present, however inadequately and insufficiently, the views of the West and of the State that I am very proud to represent in part.

With the very small part of the remarks then made, wherein there was an implication that deprecated the corruption which has been demonstrated in the last few years, I was in very hearty accord. With the larger part of that speech in opposition to the direct primary I am in very vigorous dissent. I recognize, of course, Mr. President, the era that is ours now in this country and the era of ultramaterialism that exists, perhaps, all over the world. I recognize, sir, what has been demonstrated in the last few years by senatorial investigations and the like and what in the last few months has come to us in the matter of the selection of men who may sit with us. I recognize these things, deprecating them, of course, bowing my head in humiliation at some of the things that have been uncovered and of which we have the evidence, resenting others with which we are familiar, but ever having, sir, a fair degree of optimism concerning not only the body of which I am a Member but of the future of our common country.

In the matter of the corruption that has been detailed of late I have little concern, sir, with individuals. I care not much that some men may have made themselves amenable to the laws or that upon them, it is asserted, should be put the stamp of the penal statutes of the United States. I repeat that I care very little, sir, for individuals or what may be disclosed concerning individuals. They are the symptoms of a system, a system too well known to-day; and while, of course, the symptoms must be treated the system itself must be destroyed, if there is to be a real cure. I war, therefore, sir, upon the horrid and sinister philosophy of government that creates the system—a system insisting that this Government of ours may be made the instrument of profit for the few and that the many are only fit to minister to the profits of the few.

It is the system behind the individual and behind the acts which have been disclosed that it is necessary for us to attack if there shall be any results to our country. They, the individuals, are the symptoms. Deal with them if you choose, but let us deal with the root of the disease. The root of the disease is that which ever comes in such an era of ultra materialism as that of to-day. The root of the disease is in certain men arrogating to themselves the right to prey upon all the rest of our people, to take for themselves that which belongs

to all, and to utilize government for their profit and their profit alone.

Mr. President, there are some who inveigh against the United States Senate, many to-day. I read in the press of the Nation and I hear even from some men who are Members of this body animadversions of the Senate and contemptuous references to it. I recognize its faults, sir. There are many things, doubtless, in this body, in its personnel, if you will, and in any other matters, if you choose, that perhaps might be remedied. But, after all, sir, this is the only place in the United States of America where officially there was an endeavor to uncover the awful corruption with which we have been familiar in the last few years. Be it said to the everlasting credit of the United States Senate that when every other party had failed the United States Senate did its duty without fear and without favor and uncovered those who would make a mock of popular government and who would take for themselves that which belongs to the people themselves.

I have little patience with gentlemen who are Members of this body who would assault it as sometimes I hear them do. I recall long years ago, aye, more than two centuries, when Bolingbroke received from Queen Anne the reward that she saw fit to give him, but which he thought far less than he merited. He thought he should be made a duke and was made a viscount; and he railed against the place in which he was put, and day after day vented his spleen in decrying his place. I remember a remark made, I think, by Halifax. I repeat it to Members of this body who are caviling at the United States Senate: "He who thinks his place unfit for him will be unfit for his place."

I notice, sir, that those among us who talk most of the shortcomings of this body are those who devote themselves most assiduously to remaining or to returning to the body which they affect to condemn.

I say, Mr. President, that my optimism never has been shaken by what has transpired in the last few years or the last few weeks. The world is getting better and is emerging from this era in which we are at the present moment, just as in the centuries gone by every people on the face of the earth have emerged from recurring periods like this of ours. We are in a throwback era to-day. We are in a throwback era that had its counterpart almost 300 years ago among English-speaking people. Out of it they came. Out of this we will emerge, too. Those of us who are familiar with history will remember the infamous treaty of Dover, where Charles Stuart betrayed the very people he ruled. It will be recalled that two centuries ago Harley and St. John, the chiefs of England's Government, were sent to France and there were willing treacherously to deliver over the very government they represented. Senators will recall but a brief period ago, as a nation's life is measured—England finally rid herself of the rotten boroughs; and in the inimitable story of Mr. Bower of the party battles of Jackson's time we see depicted motives of those whom we regard as national heroes, who sat in this very body, motives that were very sorry and not at all nice.

So we are getting better as time goes on; and I see no reason either for discouragement or despair in the fact that there may have been uncovered corruption in high places in the last few years or that there may have been demonstrated an endeavor to purchase seats in the United States Senate; for remember always it is this contemned and despised body that uncovered the corruption; and it is this contemned and despised body that brought to light the endeavor to buy seats within it; and it is this body, sir, that is preparing to debate—if debate be necessary—just what shall be meted out to those who utilize the corrupt arts that have been described in the press to retain or to obtain seats in the Senate of the United States.

So, sir, I pass to the other part of the address that was made by the distinguished gentleman the other night concerning the direct primary. I believe in the direct primary. I believe in the people of the United States. I believe that collectively the people of the United States will do the just, the fair, and the honest thing, when a political boss managing, operating, manipulating, and controlling a convention will never do that thing.

I recognize, of course, with all of you the evils that sometimes encompass the direct primary. I, of course, am familiar with the amounts that are said to have been expended by various candidates under the direct primaries, but, sir, I have a vivid recollection of the old convention system. We have forgotten its vices in the nearness of our view of what has transpired under the primary methods. We have forgotten the corruption, the bargaining, and the buying under the convention system and the shameful methods of auction and sale

under the old and almost forgotten mode of electing United States Senators.

I recall, sir, the last convention which was held in the State of California. I remember that it was proven in court by sworn testimony that one corporation paid \$40,000 to one boss in the city of San Francisco, buying thus the delegation of that city outright, and the delegation was delivered upon the floor of the convention. Out of that resulted four years of administration for the State of California, but there resulted, too, from that infamy the end of the convention system and the beginning of the direct primary.

Rich, it is said, are the men who can succeed and only succeed under a direct primary. Take a census of the men upon this floor; take the men who have been elected in the State from which I come. Here are many counted poor, and scarcely a man holds public office in the State of California to-day who has riches in great extent.

Organization, it is said, is required in order that a man may succeed under the direct primary. Not at all. Organization, of course, may aid him and may enable him to make a better showing than under some circumstances might be made; but it is not true, sir, that either organization or money is necessary for a man's success under the direct primary system, while both of them are necessary for his success under the convention system.

After all the question resolves itself into who has the right of selection of candidates for office. Who should finally determine who shall be within the respective parties the candidates of those parties? If you admit that a few have that God-given right, and that the many are not entitled to be heard at all, then, of course, you are for the convention system; but if you concede that the humblest member of the party has a right with the most influential, the most powerful, and the richest of that party to have a voice in its councils and a determination of its candidates, then you must be for the direct primary system.

As to the convention system, how shall the convention be selected? It is asserted by those who advocate the convention that the delegates are selected to the convention by a primary; that is, the people within the party have sense enough to elect delegates who are selected for them, but they have not sense enough ultimately to select the candidates for themselves. The one or the few in control may select the delegates to any convention. It may be possible that sometimes they dictate a candidate under the direct primary, but they can not always do so, and they can always select the nominee of a convention.

The cost of a direct primary is used as an argument against it. Perhaps! Men will spend money, I presume, as long as they have money to spend. Some men will be constrained and restrained by their sense of duty and their conscience to spend only that which the law permits, but a man who will spend a sum that he ought not to expend under the direct primary would expend exactly the same sum if necessary under a convention system. To say that the cost of the direct primary is a reason for its elimination is to deny the experience of the past years and to take the few instances which have arisen of late, and say that they, and they alone, should be all-controlling, when the past reeks with the many instances of wrong and money control of conventions.

Bosses exist and I presume always will exist. They may control, I repeat, a primary where all the people vote, but they may only control at times, not always, and they can always control under the convention system. If it be said that the people shall be accorded the right to select delegates to a convention by primary, then opponents of the direct primary system argue themselves out of court on the ability and the discrimination of the people themselves. More than that, sir, they do a wrong to the people by twice removing from the thing to be done that which they ask the people to do.

It is a regrettable fact, of course, that the attention of the people can not be focused when two degrees removed upon the ultimate object to be attained. It is for that very reason that we would focus the attention of the people in the first instance upon the candidate himself and have the people themselves determine just exactly what that candidate should do and who he should be.

It is urged by those who oppose the direct primary in language such as this, although I do not impute this to the distinguished gentleman who delivered the address of Saturday night. I am reading from a newspaper, and the fallibility of the press I have learned in a lifetime of experience; but it is here stated in the press report:

Largely because of the primaries, therefore, we are threatened with a regime of the bloc system in Congress—

The Senator from Kansas will please take notice—

from which, if it is not arrested, we are in danger of a breakdown in parliamentary efficiency, which to-day is such an outstanding characteristic in the government of European countries; a situation so acute there as to have resulted in the abandonment, at least temporarily, of parliamentary government in Poland, Belgium, Italy, and Spain.

The argument, as I understand it, is that the direct primary will lead us to a De Rivera, a Pilsudski, or to a Mussolini, and the direct primary, leading us to a Mussolini, ought to be curbed at this stage of the game. I can not believe that that argument was seriously made or even accurately reported, for, sir, the thing that the direct primary will not do is to lead us to a dictatorship such as has been adverted to in this newspaper article.

The bloc system is decried. The bloc system! Sir, I care little for it, for I am a bloc unto myself, Mr. President, and I require no membership in any other bloc to follow that which I believe to be right and that which my conscience may dictate. The bloc system is a bad thing, says this speech; bad, indeed, because it destroys the solidarity of parties and makes impossible the carrying out in parliamentary fashion of those things that those who do not believe in the direct primary would wish to have duly carried out.

Party regularity I do not object to; it is an excellent thing unquestionably, but, carry it to the logical conclusion suggested by this article, and you reach exactly the point, sir, that it is asserted you will reach under the direct primary system, for if a man upon this floor, upon this side of the Chamber, must vote as he is told upon every proposition, he has no business here, in the first place, and, in the second place, under any rule of that sort that may obtain this body ought to be abolished and every individual in it ought instantly to be sent home. If the rule is to be, sir, that no man can exercise either his judgment or his independence upon this floor, then, why have a Senate at all or a House of Representatives at all? The argument is one for the abolition of Congress, not against the primary.

I know there are some distinguished gentlemen in this country to-day who say to us, "What America needs is another Mussolini." What they mean is, of course, that what we ought to have is a dictatorship that will enable their philosophy of government to which I adverted in the beginning of my discursive remarks, to prevail; a philosophy of government that will enable them even more readily than they can to-day to make profit out of government and to utilize it for themselves alone, and their own selfish gain.

Another Mussolini we should have, they say, in order that there should be orderliness in government, discipline in party, and in order that farm blocs should not be able to register their discontent or press for a remedy of farm conditions. But, after all, fundamentally the question between the old convention system and the direct primary is between the right of the people to govern on the one hand and the right of a few self-constituted bosses to govern them on the other hand. Fundamentally, sir, that is the difference; and the contest that is to be waged in this Nation apparently, from the propaganda abroad to-day, after all is one of popular rule, to use a trite phrase; after all it is the old age-long fight between just people on the one hand and a few gifted souls on the other who imagine government is theirs and for them alone, and all the rest are only fit to be governed by them.

Mr. GILLET. Mr. President, I ask unanimous consent that a correct copy of the address of the Vice President, to which the Senator from California [Mr. JOHNSON] has referred, be printed in the RECORD at this point.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

The Vice President's address is as follows:

ADDRESS OF VICE PRESIDENT DAWES BEFORE THE PENNSYLVANIA SOCIETY OF NEW YORK AT THE WALDORF ASTORIA HOTEL, DECEMBER 13, 1925

As partly relevant to the primary question, which is my subject, I call attention to the fact that the short session of Congress now in session closes by constitutional provision on March 4 next; that under the rules of the Senate permitting unlimited debate and requiring a two-thirds vote to close it, the power through a filibuster on revenue and appropriation bills exists in a small minority of Senators—even in one or two of them during the last days of the session—to humiliate our country and its people by compelling the President of the United States to call an extra session of Congress; that in possession of this power and by the threat of its use they can bargain with the majority for the modification of current legislation to suit them; that this threat may be made not only to force concessions in appropriation items but to force through questionable bills covering other subjects, thus creating multiplicity of laws; that to cover the short session a modification of

the rules with provision for ample discussion, but establishing majority cloture on revenue and appropriation bills—bills which ultimately can not be defeated if the Government is to exist—is imperatively necessary in the national interest; that such a modification is not subject to the usual objections urged by Senators against full majority cloture, for it will not prevent defeat by filibuster of bills claimed to affect constitutional rights, like the so-called force bill of over a quarter of a century ago.

With this modification adopted only thereby will protection be afforded from the possibility of an extra session forced by a minority or a few individuals of the Senate against which the common sense of the whole country cries out.

That which distinguishes the American Republic from the many republics of the past which have failed is the fact that its Constitution has made it a representative Government, one whose policies and laws are determined by representatives of the people and not directly by the people themselves. This principle was long recognized in the government of political parties in this country, but in the reaction against political corruption and inefficiency we have passed primary laws which have done away with representative government of political parties.

Our people, as is always the case when men are devoted to the upbuilding of a new country, concern themselves largely with economic problems affecting the development of material resources, to the comparative neglect of questions of governmental administration. This fact is responsible for the indifference with which corruption in politics and political administration is regarded for such long periods of time. However, when once the public attitude of indifference to a widespread evil is changed into one of acute apprehension, we generally seize upon the most obvious remedy, which may or may not be the correct one.

The abandonment of the representative form of party government because corruption had existed in spite of it, which was effected by the adoption of the primary system, is an instance of that proneness to error in applying remedies which characterizes a thoroughly indignant people. We assumed that representative party government was responsible for the existence of political rascals without realizing that political rascals will always exist and be active under any form of party government. We substituted the primary system for conventions to nominate public officials and imagined that we had abolished political rascality. Enough years have now elapsed for us to recognize the great damage thus done to our Government and our people.

The primary ticket open to all aspirants for nominations in elections, where many candidates are to be chosen, results in a ticket containing so many names unknown to the impartial voter that he votes in the dark. This results in a division of the impartial vote among many candidates and on almost inevitable plurality for the organization candidates—that is, candidates supported by an existing administration possessing patronage and the power of letting public contracts, which can bunch its controlled votes against a scattered field.

The rapid expansion of State and municipal business and patronage, coupled with the indifference of qualified voters, half of whom do not go to the polls at a general election, and many less to the primaries, often results in the nomination of candidates selected and controlled by those having a business interest in the continuance of an existing administration. Their election afterwards because of the habit of party regularity on the part of the impartial voter means the rule of an oligarchy and the loss of free and clean government.

Under the old convention system such a condition would encourage the drafting and nomination of clean candidates by the opposition party in order to gain an advantage from a clear issue at the polls between clean and unclean government. Under the primary system, however, the opposition can not draft its strongest men as candidates to emphasize the issue. The opposition party is as likely to choose unknown or incompetent men as candidates as if the chance did not exist to make good government an issue by proper nominations.

The primary system is responsible for an enormous and improper use of money in contests under it and is steadily tending to debauch our electorate. Since it lessens the opportunity of minority parties properly to make an issue of corruption before the public, it largely insures immunity to vote buyers from political or legal consequences with resultant increase in their activity.

So immense are the sums which must be spent to advertise himself to the people under the primary system, even along legitimate lines by a comparatively unknown candidate for a State or National office that under these circumstances only a very rich man, a man with rich men behind him, or a man with an organization behind and generally controlling him is likely to succeed.

At present, when candidates offer themselves at the primaries, personalities and position upon local issues necessarily tend to overshadow the position of the candidate upon the national issues advocated by his party. In many instances, in senatorial as well as State, county, and city contests, the nominee of the party selected by a plurality vote at a primary with a majority vote divided among several candidates will represent ideas obnoxious to the majority and to his party. Yet when he is nominated the habit of party regularity will still affect enough of the majority to result in his election.

The primary system, therefore, is responsible for the election by parties of some men whose chief effort after election seems to be to disorganize their party and fight its policies. It is destroying our two-party system, and under it we have witnessed a general breakdown in the standard of official personnel throughout the country.

Among a great business people like our own it is natural that economic questions constantly tend to overshadow other national issues. As economic issues come to the front which concern different sections in unequal degree, they have a tendency to divide Congress into economic groups. Each minority group concerned more with the economic issue affecting their locality than with general national policies tends to fuse with other minority groups or the opposition party in a general attitude of obstruction and hostility. A majority when composed of a fusion of minority groups, each with a separate objective, is generally unable to unite in a constructive purpose and confines itself largely to obstructive tactics. Congress, therefore, tends to lose the power of constructive action. The primary system of nomination lessening the dependence of candidates for nomination upon their party record and relation to their party organization adds constantly to the number in Congress of those wearing the party label who fight their party's policies. They are aided by rules in the Senate which extend the power of minority obstruction far beyond anything intended by the Constitution. Largely because of the primaries, therefore, we are threatened with a régime of the bloc system in Congress, from which, if it is not arrested, we are in danger of a breakdown in parliamentary efficiency which to-day is such an outstanding characteristic in the government of European countries, a situation so acute there as to have resulted in the abandonment, at least temporarily, of parliamentary government in Poland, Belgium, Italy, and Spain.

Unfortunately, the legislators, both National and State, who must be depended upon to pass the necessary legislation modifying and largely abolishing the primary system are the beneficiaries of it. Any man nominated under the primary system and elected to office, although the majority of those who voted at the primary and the following election may have voted simply for the name without knowledge of the individual himself, acquires an advantage at any following election from the mere fact that his name has once been voted upon. This naturally affects his attitude on the question, first, because it adds to his political strength, and, second, because it is difficult for him to believe that any system under which he is selected for office is not a wise system. As recent political events are impressing upon the public conscience a better knowledge of the evils of the primary system, we hear protest against its abolition. It is intimated that those who desire to see the primary system largely abolished do so because it takes less money to buy a convention than to buy off a majority of those voting in the primary. It would be just as logical for one to charge those who favor the retention of the primary with a desire to see the whole electorate corrupted instead of the smaller number which comprises a convention. There is, of course, no real merit attached to either contention, but it illustrates the low grade of argument to which we may expect to listen in connection with primary reform. Superficial arguments such as this only emphasize the dangers of the primary system, where the good talker and the good mixer often succeeds in nominating himself. Primaries may well be retained for the selection of convention delegates, but until we provide again for the convention system of party nominations we may expect little improvement in existing political conditions. If we are reasonably to hope for real reform, we should return to the representative system of party government patterned upon the government provided for our country by the Constitution of the United States.

RIVER AND HARBOR BILL

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. JONES of Washington. Mr. President, I desire to advise Senators that I hope we may dispose of this bill to-morrow; and I shall expect to keep the Senate in session to-morrow evening if it is necessary to do so in order to pass the bill. I thought I ought to give this notice so that Senators can make their arrangements accordingly.

Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. GILLET. Mr. President, if I may bring the Senate back to the subject before us—the river and harbor bill—the Senator from Washington [Mr. JONES], in charge of the bill, tells me that he expects a vote to-night on the Cape Cod Canal proposition. I appreciate that the Senate does not wish to be wearied at this time by discussion; and yet hours have been taken in presenting the arguments against it, and I think it but fair that a few moments—and I promise to take but a few moments—shall be given to state, as I see them, the arguments in favor of it.

It seems to me this matter divides itself into two propositions: First, is this a project which the Government should undertake? Second, if it is, what price should the Government pay?

As to being a proper subject of Government action, I think that if the present company had never begun the canal the tendency of the times and of Congress in favor of these inter-coastal canals would impel us to dig this canal. Anybody who has been there, or anybody who looks at the map, will recognize that nature apparently created this 6-mile strip of land especially for a canal—as much as it did at Panama or at Suez. It is a section of ocean commerce that greatly needed a channel of safety, because scientists tell us that the two most prominent salients which jut out into the Atlantic from our seaboard—Cape Hatteras and Cape Cod—are, for some reason which they can not explain, the home of greater storms than visit any other part of the coast. Over 25,000,000 tons of shipping go by this cape every year, and they are not only exposed to these storms but to other hazards, for it happens that east of the cape there is for miles a great region of shoals between the coast and Nantucket through which it is extremely difficult for vessels to find their way.

It is also the home of fogs, so that it is probably the most dangerous section on the coast of the United States; and it is no wonder that there are more life-saving stations established by the United States on this coast than anywhere else in the United States for an equal distance.

There is no question, therefore, that there is the serious danger. There is no question, either, that the canal offers a means of avoiding that danger. It shortens the distance over 70 miles and offers a quiet passage for vessels. The commerce is sufficient; the danger to commerce is obvious; the remedy is adequate; and so the question arises, What price ought the United States to pay?

The Senator from Nebraska [Mr. HOWELL] has offered an amendment providing that we shall pay what he estimates would be about two and a half million dollars for this canal. Of course, that is perfectly futile. The canal company never would accept that proposition. The question is, What is a fair, self-respecting price for the United States to pay for the existing canal if it decides that it is a project worthy of its undertaking? In deciding that question we must exercise unbiased judgment, and try to decide what amount is reasonable for the taxpayer and reasonable for the owner.

I would not ask that we should pay what it would cost to reproduce the canal. General Goethals testified some years ago, in the condemnation proceeding, that it would cost, at present rates, about \$25,000,000 to reproduce the canal as it stands to-day. The agents of Congress and of the canal company have agreed upon \$11,500,000.

The main argument that is made against that argument is that it is paying the men who have invested—the stockholders and bondholders of the corporation—vastly more than their property is worth, and that we ought to pay them just what it would bring in the market; and in order to estimate what it is worth and what it would bring in the market, they say: "How much have the dividends been in the last few years? What have been the revenues?"

Mr. President, that is not a fair estimate. I think any Senator who will consider what has been the condition of that canal in the last 10 years will admit that it is not fair to say that the revenues which the canal has produced in that time fairly indicate the value of the property. Consider the condition of the canal during those years. It was completed in 1916. In 1917 there was introduced in Congress and passed a bill which provided that the Secretaries of War and Commerce and the Navy, if they thought it wise, should contract with the company to buy the canal; or, if they could not agree with the company upon a price, they should bring condemnation proceedings and take it over; so that a year from the time the canal began operation it was threatened or promised—which ever way you consider it—that the United States would take it, and that probability has been hanging over it from that time until now.

The very next year, in 1918, the Government took over this canal, as it took over the railroads during the war, and kept it for two years. During those two years, as the Secretaries and the canal company could not agree upon a price, condemnation proceedings were begun. The Government instituted a suit, and it went to a jury. A verdict of nearly \$17,000,000 was rendered; but it was taken to a higher court, and the verdict was set aside. Meanwhile the Secretary of War, Mr. Baker, made an offer for the canal of \$8,250,000, which was rejected by the company. Then bills were introduced in Congress providing that the Government should take over the canal

at practically the present price, \$11,500,000. Such bills have passed twice through the House and twice through the Senate, but the same bill never passed through both Houses during the same Congress, so that they never became law. But that history, I am sure, will indicate to Senators the fact that during these 10 years while this property has been operated it never has been in a condition where those who were running it would devote themselves to it as a permanent business, but all the time they expected that the very next year the Government would take it off their hands. So, of course, during all that time it was run as a hand-to-mouth proposition; and the income which it received during that time is not a fair estimate of what income could be derived from it. Every Government agency which considered it, Congress, by repeated votes, three Presidents, all the Cabinet officers, all the engineer officers, expressed themselves in favor of the Government buying it. So the company had every reasonable right to believe that it would not long continue under their management, and they had no selfish inducement to build up a permanent business.

Moreover, there is another argument which I think is even more forceful, that these 10 years are not a fair test.

When the canal was completed, there is no gainsaying the fact that it did not prove to be a success. It did not attract the traffic; and the reason why it did not attract the traffic was clear. It was mainly because the currents in the canal were so much greater than was expected—from 3 to 6 miles an hour—that it was found extremely unattractive to vessels.

The mariners who sail those coasts, and who are mostly deep-sea sailors, are afraid of canals anyway; their idea of safety is the open ocean and plenty of sea room; but when a canal has a current of from 3 to 6 miles an hour you can not attract these sea captains. The current was so swift that coal tows could not be carried through it. A large part of the commerce around the cape for New England is these coal tows; and yet the currents were so swift that when these tows, which generally go three to a tug, came to the canal the tugs had to take one through first and then come back and take the others one at a time; and that, of course, kept that very large factor of commerce from patronizing the canal.

The canal as it is to-day therefore is not, I believe, a commercial success, and can not be made so in its present condition. The only way in which it can be made a commercial success—and it probably can be—is by extending it, doubling its width, so that the currents shall be diminished, and possibly, some of the engineers suggest, by installing a lock, though some say that is not necessary. That would cost, the Government engineers testify, from eleven to fourteen million dollars, increasing at the same time the depth to 35 feet. Any company that can raise the capital to accomplish that increase of size, according to statistics, would probably make it commercially successful; there is plenty of commerce, and such a canal would probably attract it at remunerative tolls; but, of course, after the experience they have had, it is going to be hard to raise money to enlarge the canal and revivify the company; and I have no doubt it is true, as has been said on the floor, that the men who have built the canal would like to sell it to the United States even at this low price.

I do not know any of those gentlemen. I do not know who any of them are, except one, whose name has figured so largely and with whom I am not acquainted; but much of the argument on this floor has been against contributing Government funds as a favor to those persons. I agree that we ought not to do it for their benefit. We are not an eleemosynary institution for them. We ought to do it only for the benefit of the United States; but if it is for the benefit of the United States, then we ought to do it, and we ought to pay them a fair and self-respecting price. They put into the canal \$6,000,000 of bonds and \$6,000,000 of stock, which in Massachusetts has to be paid in at par. That is a total of \$12,000,000, and there are now outstanding \$7,000,000 of other obligations; so that they have put into the canal, in cash, \$19,000,000. The proposition, which is before us, suggests that we pay them \$11,500,000. They are going to be out of pocket \$7,500,000, so that we are not presenting them with any bonanza. We are rescuing them from the necessity of raising more money in order to make the canal a commercial success. Whether they can do it or not I do not know; but the question for the United States is, Do we want the canal and is \$11,500,000 a fair price for it? It is less than half what it would cost to-day to reproduce it. It is \$7,500,000 less than the builders put into it, and they are so much out of pocket. We are getting a bargain, and I do not think it would be decent for us to drive a harder one if we could. In the case of the Panama Canal we paid \$40,000,000 to the canal company. They had practi-

cally abandoned the enterprise and were bankrupt. It was a sheer gift to them. We did not do it because we wanted to do them a favor, but we did it because the canal was worth that to us, and we thought it was a fair price to give to them. By that analogy and precedent we ought to pay this company much more than \$11,500,000.

So it seems to me that \$11,500,000 is a modest price for the United States to give. We are getting it for less than half of what we could build it for ourselves and for two-thirds what it cost.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. GILLETT. I yield.

Mr. EDGE. Did I understand the Senator to say that about 10 years ago the then Secretary of War offered approximately \$8,000,000 for the canal?

Mr. GILLETT. Eight million two hundred and fifty thousand dollars.

Mr. EDGE. Roughly calculating the interest at 4 or 4½ per cent from that time on, which the Government naturally would have lost, it would amount to a sum in the neighborhood of \$11,500,000.

Mr. GILLETT. Certainly. The Treasury will be better off if we pass this bill than it would be if we had acted favorably on any of the others that were agreed upon before.

Mr. HOWELL. Mr. President, the distinguished Senator from Massachusetts has just stated that the Treasury is better off to-day because we did not buy the Cape Cod Canal in 1916. The Treasury will be much better off 10 years hence if we do not buy it now.

Mr. GILLETT. Of course, I admit that the Treasury will be better off. The question is, Will the country be better off?

Mr. HOWELL. Mr. President, it has been suggested that the dangers of Cape Cod are such that the Government of the United States ought to step in and buy a bankrupt canal from individuals, who have sustained losses, as estimated, in the neighborhood of \$10,000,000, because they do not keep the canal in repair, safe for the use of vessels. Yet every year they have for their treasury at least \$200,000 in excess of what they now expend upon operation and maintenance. Can it be possible that they are aiming to afford such poor service that the Government will be forced to take the canal?

The canal is under the control of the Public Service Commission of Massachusetts. The commission can compel those who operate that canal to keep it in order. Can it be possible that the Public Service Commission of Massachusetts is in conspiracy with the canal associates to keep the canal in such a condition that the Government will be forced to buy it?

Is it a fact that the dangers to shipping about Cape Cod are so great that this canal is a necessity? As I have stated previously, 70 per cent of all the shipping that passes up and down the coast can be accommodated by this canal, because it is 25 feet in depth. Yet only 29 per cent of the craft that can pass through the canal will use it, because of the tolls charged, while a vessel can utilize the route outside of Cape Cod, on the Atlantic Ocean, 56 miles longer, an avoid tolls. The consequence is that we have here a case of competition with a public utility, nature's competition—the Atlantic Ocean. That is the reason this canal has not been a commercial success. That it is a commercial failure is not because so few ships use it.

More ships pass through this canal than through any other in the world to-day. It is because they can not charge tolls high enough to make the canal pay. If they raise the tolls, they lose tonnage; it goes around Cape Cod, as 71 per cent does now.

Yet it might be asked, why do they go around Cape Cod, considering the dangers? These dangers—alleged superdangers—constitute one of the chief arguments that have been used time and time again during the last 10 years in the endeavor to pass a canal purchase bill. The testimony before the House committee having charge of this bill some time ago was to the effect that during a 10-year period cited there was a loss of 32 lives from Boston around Cape Cod to Block Island, within 25 miles of New London, Conn., an average of about three lives a year. Now, it is proposed that, to save those three lives, or to attempt to save those three lives, the Government shall embark upon an expenditure that will total \$32,000,000. Along the water front here in Washington, for the six years ending 1925, there has been an average of 26 lives lost for every year. If we should contribute the same relative amount of funds to prevent this loss of life, it would mean an expenditure along the water front of Washington of about \$250,000,000. The record further shows that Colonel Burr, in his testimony, stated that this annual loss of life in the vicinity of Cape Cod, instead of being relatively large, was relatively very small. But there is other evidence that can not be questioned. Every Senator is aware of the fact that an insurance company knows

no sentiment; that an insurance company charges a rate in accordance with the risk. I call attention to the fact that the marine-insurance rate on cargo and passenger vessels is identically the same whether they pass through the Cape Cod Canal or around Cape Cod.

Mr. GILLETT. Mr. President, will the Senator permit an interruption?

Mr. HOWELL. Certainly.

Mr. GILLETT. I am told that the Underwriters' Association of New York have said that there would be a 20 per cent lower rate on freight going through the canal than on what goes around the cape.

Mr. HOWELL. This proposed purchase has been before the Congress for the last 10 years, and now for the first time somebody has prevailed upon the underwriters in New York to promise to reduce the rate; but for the past 10 years the rates through the canal and around the cape have been identical.

There is a bit of inside history that the Senate ought to know. This canal, as I have stated, is 25 feet in depth. It is paved with heavy paving blocks from 6 feet above the mean low-water line to 6 feet below it. The purpose of the pavement is to prevent the erosion of the banks.

That canal is chiefly used by the Eastern Lines (Inc.), a steamship company, of Boston, Mass. The company uses the canal especially for its passenger vessels plying between Boston and New York. The officers of that company have testified that it is necessary for them to use the canal in order to maintain a 15-hour schedule because they can not afford to put on 22-knot vessels, which would be necessary for a 15-hour schedule passing from Boston to New York around Cape Cod.

The Cape Cod Canal Co., expecting to sell that canal to the Government of the United States, merely interested in revenue, has allowed the Eastern Lines (Inc.) to drive their ships through the canal at a speed of about 8 miles an hour through the water. The Suez Canal is a much more commodious canal; however, the allowed speed through the excavated portions of the Suez Canal is but 4 miles an hour. Why is the speed limited to 4 miles? It is to prevent the destruction of the canal. But through this canal the speed may be 8 miles an hour. What has been the result? The paving is all but utterly destroyed, the channel narrowed and filled in, and naturally there is complaint that the canal is in bad order. This is largely because the steamships of the Eastern Lines (Inc.) maintain such a speed in transit that they unduly erode the banks, undermine the paving, and are surely destroying the canal. As a matter of fact the canal to-day is in a thoroughly dilapidated condition, and it is in this condition that the canal associates propose to turn it over to the United States Government in exchange for \$11,400,000 in real money, although its annually decreasing net income will scarcely pay 6 per cent on \$2,000,000.

The Eastern Lines (Inc.) want the canal widened and deepened so that they can drive their vessels through it even faster than at present. In addition, they want it made a free canal. They paid \$281,000 of the \$419,000 in tolls collected by the canal last year, or 67 per cent thereof.

This is a Boston, Mass., institution. It wants to be relieved of the necessity of paying tolls. It wants the canal improved and maintained by the United States Government so that its vessels can negotiate the canal at the rate of 10 or even 12 miles an hour. Such are the facts.

If this bill passes, the stock of the Eastern Lines (Inc.) will jump the instant the vote is recorded. Why? Two hundred and eighty-one thousand dollars, the amount of the tolls this company contributed last year, will pay a 6 per cent dividend upon almost the full amount of the stock outstanding, valued as quoted in their 1925 statement of assets and liabilities.

Mr. GILLETT. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. GILLETT. What would pay the interest on the bonds?

Mr. HOWELL. It is proposed that the Government of the United States shall pay the interest on the bonds. This is to be a free canal, just as soon as this bill passes.

Mr. GILLETT. But the \$11,500,000 would not pay a cent to the stockholders. The stock would be all wiped out and lost.

Mr. HOWELL. Mr. President, I am not speaking of the canal company; I am talking about the Eastern Steamship Lines (Inc.).

Mr. GILLETT. I beg the Senator's pardon.

Mr. HOWELL. The stock of this company, according to its 1925 statement of assets and liabilities, is something less than \$5,000,000. The \$281,000 now paid in tolls will enable that company, when relieved thereof, to make a stock dividend of 100 per cent. Naturally, the company and its stockholders are urging the purchase of this canal, no matter what the price.

I do not believe there is a Senator here who fully appreciates what this canal purchase item means, who realizes to what an extent it is a raid upon the United States Treasury in behalf of 20 canal associates, 19 of whom own 93 per cent of the stock of the Cape Cod Canal Construction Co., 90 per cent of the stock of the canal company, and 98 per cent of the six millions of canal bonds outstanding—and the Eastern Steamship Lines (Inc.), of Boston, Mass.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. HOWELL. Just a moment. Of these 20 associates, 19 have addresses in the financial district of New York and the others is the Rothschilds, of London.

I now yield to the Senator from Arkansas.

Mr. CARAWAY. Is it quite persuasive one way or the other that certain people will profit by the Government purchasing the canal? The question is: Ought the Government to have it? Is not that the question? Is it wise that the Government should own the canal? If it is, then it does not seriously concern the Senate, does it, that some people will be advantaged by that fact? We build highways and people run busses on them to haul passengers, but because they do it we would not be willing to turn the roads into toll roads so we could tax the people who use them, would we?

Mr. HOWELL. This is a case where the Congress of the United States is asked to appropriate money which will immediately benefit two interests, the owners of the canal and the owners of a steamship line. I am urging that if the Congress deems it necessary to own the canal, in buying it Congress should not pay the canal associates more therefor than they could obtain for their property in the market places.

Mr. CARAWAY. Of course that might be persuasive, but as I understood the Senator's argument he was very much opposed to it because certain people would reap a benefit, because a private concern would profit by the Government owning it and abolishing tolls. That really does not constitute any substantial argument against it, does it?

Mr. HOWELL. It only constitutes this argument: For 10 years they have been trying to force a bill through Congress for the purchase of the canal, and there were these motives behind the effort.

Mr. CARAWAY. Everybody who has wanted to abolish tolls on highways has wanted to travel on them without paying tolls. That was the object. Is not that the object of getting this canal into Government hands, so it may be kept in good repair, with the abolition of tolls? We would not be much in favor of tolls on a river. I understand that applies to the Ohio River, in which my friend the senior Senator from Ohio [Mr. WILLIS] has some kind of an interest. I dare say he would be opposed to putting in a toll system and requiring that all of the boats which go up and down the river should pay a duty or pay a toll to each lock and dam it passes through.

It has been the object and the purpose of the Government to try to free all its public highways from the burden of paying tolls by those who use them. There is a policy in this Congress to oppose the licensing of the toll bridges by the Government, to oppose the Government expending money in the building of highways leading to toll bridges and to toll ferries, under the theory that transportation ought to be open to all the public without the payment of tolls, although we all realize that many people get more benefit by reason of a free highway than all the people are benefited. It enures to the benefit of those who make special use of it; but that is no argument against having free highways, is it?

Mr. HOWELL. Oh, no.

Mr. CARAWAY. Coming back to the proposition before us, as I gather the burden of the Senator's speech, it is that if the canal shall be taken over by the Government certain steamships will be freed from the necessity of paying tolls. That is no real argument against the purchase, is it?

Mr. HOWELL. When it is made plain that the canal company seeks to be relieved of \$10,000,000 of its losses and that the steamship company in question is seeking to be relieved of \$281,000 of tolls per annum, I think we are put upon our inquiry as to whether this proposed purchase is based upon wisdom or largely upon a desire for relief from losses and tolls; because this canal is now in operation, is 25 feet deep, and there is not another canal on our coast line with a depth of more than 12 feet. What I am in favor of is this: I would prefer to leave the canal in the hands of the private company for operation and to use the money which it is proposed to spend in buying it and utilize it for deepening the canal between Delaware Bay and Chesapeake Bay, which is in itself or will be in itself of tremendous military value to the country.

Mr. CARAWAY. As I understand, the Senator himself has been a very great advocate of municipal ownership of utilities.

There are light and power plants in his home city of Omaha, and he wanted to take them out of the hands of the private owners because they levied tribute on the people to pay for the capital invested. It has been the purpose of the Senator, as I understood it, and I observe with much respect his views on the subject, to bring about public ownership of utilities. For instance, he is opposed to private individuals operating Muscle Shoals because the public has an interest in it. Those things which the public uses for public purposes the Senator has heretofore wanted, as I understand him, to have owned by the Government.

Here is a canal which American shipping must use. It will continue to charge a toll for its use until the Government shall exercise its right and acquire it for public use and free the commerce of the burden of paying tolls. I am quite unable to see the difference in the two matters. It is not that a ship company is going to make a profit by using it free of tolls, because everybody that uses a highway which has been built out of public funds is freed from paying tolls which they used to have to pay in most States. I remember when I first rode around in Maryland that about every five miles they charged me a toll. I am not at all averse to being able to travel in that State now and not being required to pay a toll, although public money built the highways.

Mr. HOWELL. I am indeed pleased that the distinguished Senator from Arkansas should have called attention to the public-ownership features of the proposal before us. I have been, under certain circumstances, favorable to public ownership. However, I am for public ownership not as an end but as a means to an end. I am for public ownership where it will benefit the public, the people. I am not for public ownership where it means additional burdens on the people.

One of the experiences we have been through in this country and are going through constantly is this: Whenever there is a public utility that is a lemon, a source of loss, those who own it and those who are bitterly opposed usually to public ownership become the strongest advocates of public ownership.

Mr. CARAWAY. Mr. President, may I ask the Senator another question?

Mr. HOWELL. I will yield to the Senator again in just a moment.

The United Gas Improvement Co., of Philadelphia, owned the gas plant in Omaha. There is no organization in the country which has been so bitterly and effectively opposed to public ownership as this United Gas Improvement Co. They have been so effective that there is scarcely a publicly owned gas plant in the United States. They were bitterly opposed to public ownership in Omaha. But finally their franchise expired and the city instituted an appraisal of the gas plant. The appraisal resulted in an outrageous price, relatively comparable to the figure named in the Cape Cod Canal proposal. I opposed the purchase of the gas plant under such circumstances. I took a position with our people that they ought not to buy under such circumstances. Who became the champions of public ownership in Omaha? The United Gas Improvement Co. It became the great force behind public ownership, just as in the present case the stockholders of the canal company and the Eastern Steamship Lines are behind this public-ownership movement in connection with the Cape Cod Canal.

I venture to say that everyone, all of them, are really bitterly opposed to public ownership, but here is an opportunity for public ownership that will benefit them personally, and so they are now in favor of public ownership, and are here trying to bring about public ownership of this canal.

We have been talking about getting the Government out of business. The Senate has indicated that it does not want public ownership, that we should get rid of Muscle Shoals, that we should turn it over to private power interests. On one hand we move to turn Muscle Shoals over to private ownership to get the Government out of business, while on the other it is proposed to buy the Cape Cod Canal and put the Government in business. What of consistency? In one case we would dispose of a tremendously valuable property with great earning potentialities.

In the other we would buy a failing, unprofitable property.

The distinguished Senator from Massachusetts [Mr. GILLET] stated that the canal has not had a fair opportunity. Its tolls gradually rose until 1923, and since then they have been gradually decreasing. It has had a chance but it is not a profitable enterprise, hence why the canal associates are shouting for "public ownership." I am against this kind of public ownership.

Now I yield to the Senator from Arkansas.

Mr. CARAWAY. The Senator would hardly take the position that he wants to take property away from private owners if it is valuable to the owners, so that the public can get more out

of it than the private owners could get out of it, and then refuse to go into those things from which the Government can not reap a profit? In other words, just because a business is profitable the Senator would not say we ought to take it away from the private owner, would he?

Mr. HOWELL. I should say that I am thoroughly practical in dealing with such enterprises so far as the people are concerned. I am opposed to taking over from private interests anything on behalf of the people that is not profitable. I think we ought to deal with the affairs of the public just as we deal with our own personal affairs. I would not think of buying at an absurd price a bankrupt concern for myself as an investment. Neither would I think of buying a bankrupt concern under such circumstances as an investment for the people of the United States.

Mr. CARAWAY. That was hardly the question. Does the Senator believe that anything which turns out to be profitable ought to be taken away from its private owners by the Government by virtue of its power of eminent domain, but if the proposition, even though it serves the public, is not profitable we should let the private owner continue to operate it? Is that the Senator's viewpoint?

Mr. HOWELL. We are dealing here with individuals who have embarked in a business. The business has been unprofitable. They have lost money. They have concluded that the only possible chance for them to recoup their losses is to sell their bankrupt concern to the United States Government.

Mr. CARAWAY. Is that the only objection the Senator has to buying it?

Mr. HOWELL. They want to sell this canal to the United States Government.

Mr. CARAWAY. Is that the only objection the Senator has to buying it?

Mr. HOWELL. Just a moment, if the Senator please. As a consequence, although the institution is bankrupt and they are losing upward of \$500,000 a year, they have been holding on, hoping against hope that finally Congress would be prevailed upon to pay them the exorbitant price proposed. If they knew to-day that their quest was hopeless, immediately the Cape Cod Canal would go into the hands of a receiver, the bondholders would take it over, and what would be the result?

About eight or ten of the canal associates have indorsed \$2,500,000 of the canal company's paper. It is held by the Guaranty Trust Co. of New York. Most of them are on those notes for \$250,000 each.

The VICE PRESIDENT. The Senator's time on the amendment has expired.

Mr. HOWELL. I have not consumed my time on the bill.

The VICE PRESIDENT. The Senator has done so on the amendment.

Mr. COPELAND. Mr. President, will the Senator yield to me?

Mr. HOWELL. I will yield in just a moment.

If the canal should go into the hands of a receiver and the bondholders take the canal, the canal associates would have to pay those notes. They are holding on against hope, but they could no longer hold on if it became apparent that the people of the United States will not get under their burden and take over their "white elephant."

Mr. CARAWAY. Mr. President, will the Senator pardon me for a moment?

Mr. HOWELL. Certainly.

Mr. CARAWAY. Then, the Senator's whole objection is the price; is that it? In other words, if the Senator knew that the bondholders could no longer operate the canal, and it was going to be closed, would he be in favor of letting it be entirely abandoned rather than let the Government step in and purchase and operate it?

Mr. HOWELL. Mr. President, I call the Senator's attention to the fact that the income of the canal is ample to keep it in excellent repair and pay a small return.

Mr. CARAWAY. On how much of an investment?

Mr. HOWELL. It would pay 7½ per cent on about a million and a half dollars.

Mr. CARAWAY. And what is the amount of the outstanding bonds?

Mr. HOWELL. The outstanding bonds amount to \$6,000,000.

Mr. CARAWAY. That hardly answers the question. Is the Senator just in favor of playing a waiting game, hoping that the canal company will finally fail and that the Government will get the property for less price? Is that his idea?

Mr. HOWELL. Mr. President, I do not want the Government to pay any less for this plant than any other purchaser would pay in the market place; I want the Government to pay what the plant is worth as a commercial, going concern; but I do not want it to pay any more than it is worth upon such a basis—

the basis upon which all such properties are sold throughout the world.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator from Nebraska a question?

Mr. HOWELL. Certainly.

Mr. SHORTRIDGE. As I recall the matter, the Government under statute took over this canal. Thereafter, as provided in the law, the Government brought an action the nature of which was a proceeding in condemnation to acquire title to the property. The case, as I recall, was tried in a Federal court, presided over presumably by a learned judge, and decided by a jury properly chosen. My recollection is that the jury, acting upon the evidence admitted by the court, and under the instructions of the judge presiding, rendered a verdict assessing the property as of the value of some \$16,000,000.

Mr. COPELAND. They assessed it as being of a value of about \$17,000,000.

Mr. SHORTRIDGE. I understand that the Government, being dissatisfied with the amount of the award, appealed the case, which found its way ultimately to the Supreme Court, and that the Supreme Court, because of error of law in the admission or the rejection of certain proper testimony, reversed the decision; in other words, that the jury as of that time found the value of the property to be \$16,000,000; that thereafter negotiations were had and legislation followed, which has brought us up to this day.

Now, do I understand the Senator to say that, analyzing the whole problem, the jury was far and away wrong in its estimate of the present and potential value to the Government of this canal?

Is that the sum and substance and the conclusion of the Senator's contention; that the jury was wrong as to the then present and potential value of this canal, all things, national defense and commerce considered?

Mr. HOWELL. Mr. President, the jury was wrong, because the court to which the cause was appealed reversed the finding, and it reversed the finding because there were items improperly included.

Mr. SHORTRIDGE. If the Senator will pardon me, I do not wish to delay the matter, but as I recall the decision of the Supreme Court the points involved were as to the admissibility of the testimony of certain so-called experts who were called and who testified. I do not recall that the gravamen of the attack upon the verdict was the excessive or exorbitant value found by the jury, although, of course, incompetent testimony admitted may have contributed to that verdict.

However, the thought I wish to throw out is this: The jury found that the present and potential value of the property was \$16,000,000, as I recall. Now we are called upon to consider whether, in view of the present and future potential value of this canal for large commercial purposes, that element of course resting with the people, and, if we may intimate the thought, perhaps, for defense purposes in the future, the proposed price is not reasonable?

Mr. HOWELL. Mr. President, the report of Price, Waterhouse & Co., the experts employed by the United States Government to determine the cost of the canal, disclosed that the direct cost was \$6,500,100.93. There were a number of other items, indirect costs, which were added. When these various items were presented to the court the judge allowed certain items to be considered by the jury. For instance, one was an unsigned contract with the Eastern Steamship Lines (Inc.) for the payment of tolls. They presented it as a contract with the Eastern Steamship Lines (Inc.), but it was found that the board of directors had not authorized the contract. There were items of that kind. They did succeed in doing what has been done time and time again in the case of public utilities, of allowing present-day reconstruction costs. The property was valued as of July 1, 1919.

Mr. SHORTRIDGE. Will the Senator pardon me a moment longer?

Mr. HOWELL. Certainly.

Mr. SHORTRIDGE. Perhaps it does not directly bear on the argument, but the Senator will recall that under a statute somewhat kindred the Government took over what was known as North Island, near San Diego, Calif.

That act provided that thereafter either the Government or the owner of the property might commence an action in the Federal court to determine the value of the property. The Government elected to bring such an action. It was tried in the Federal court of the southern district of California, and the jury assessed the property as valued at \$5,000,000. The Government very properly appealed to the circuit court, which affirmed the judgment, and the Government, still thinking that, perhaps, the verdict was excessive, appealed to the Supreme Court of the United States, which tribunal affirmed the decision of

the lower court. Thereupon the Government, of course, as it was obligated and bound to do, bowed to the decision and paid the owners for the property \$5,000,000, the amount found by the verdict, together with interest from the date the Government had taken over the property, which resulted in the Government paying something over \$6,000,000 for that particular property.

Now, the thought which I think is worthy of careful and dispassionate consideration is this: The Government in the case of North Island was thinking of national defense; and I have been led to think all along during the long controversy touching the Cape Cod Canal that that was an element in this problem. I am a little curious to know whether the Senator from Nebraska has given due weight, if any, to that feature of this problem, namely, the element of national defense?

Mr. HOWELL. Mr. President, I have given attention to the alleged military advantages that might accrue as a result of taking over this canal. The matter was submitted to the Navy board and then it was considered by the joint Army and Navy board. On May 29, 1918, the Board of Engineers for Rivers and Harbors made a report to the Chief of Engineers of the United States Army, signed by Peter C. Hains, major general, United States Army, retired, which states:

The earnings of the canal at that time, on a 4 per cent basis, corresponded to a total investment of \$2,500,000.

And further that—

This amount, therefore, is apparently the upper limit of any justifiable expenditure by the United States to acquire public ownership for commercial purposes.

Mr. SHORTRIDGE rose.

Mr. HOWELL. Just a moment.

Mr. COPELAND. Will the Senator yield at that point?

Mr. HOWELL. Just a moment, please. In a letter to the Secretary of War, dated July 31, 1919, General Black, of the Corps of Engineers of the Army—I am not quoting the entire letter—stated:

The best information available to the board respecting the naval value of the canal is contained in a memorandum accompanying a letter of August 19, 1916, from the General Board of the Navy, which was approved by the Joint Board of the Army and Navy.

When considering the improvements required for the operations of the fleet, the following is an excerpt from the report referred to:

The expense of rendering the Cape Cod Canal available to all types of naval vessels not only requires a considerable expenditure for enlarging it, but also additional continuing expense for the maintenance of such increased size, and an even greater expenditure for the defenses that should be given an important military waterway at a salient of our coast. Such large additional expenses are not warranted by the apparent increased military advantages of having the canal available for the passage of ships requiring a depth of over 25 feet at mean low water.

This is the statement of the Joint Army and Navy Board respecting this canal.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question? Why did the Government take over the canal? It was not for commercial purposes. It was in anticipation of necessity from a military or naval standpoint. Is not that true? We may have peace forever, but we may not.

Mr. HOWELL. Mr. President, in 1917 an amendment was offered to the rivers and harbors bill in the Senate by the late Secretary Weeks, who was then a Senator, authorizing the three Secretaries of Navy, War, and Commerce to confer with the owners of the Cape Cod Canal and get together, if possible, on a reasonable price therefor; but they were to report to Congress. They were merely to take an option. Congress was to be the final arbiter.

Mr. SHORTRIDGE. But, Mr. President, why did the Government take over the canal?

Mr. HOWELL. Just a moment, so that I can tell the story connectedly. They could not get together on a price, such as the Secretaries would recommend to Congress and as a consequence condemnation proceedings were instituted. The authority to condemn, however, contained a provision that, whatever the price found, it was to be referred back to Congress, and Congress must ratify it before the award would be valid. In other words—

Mr. SHORTRIDGE. Congress had to appropriate money to pay the judgment.

Mr. HOWELL. They had to ratify the price. They had finally to pass upon it. In other words, in attempting to condemn this property the Government did not elect to buy and thereby become bound to accept the appraised value.

Mr. SHORTRIDGE. No; anyone can always retire from a condemnation proceeding.

Mr. HOWELL. In some cases it is held, as it was in the case of the Omaha water plant that the city had elected to purchase, and there was no retirement.

Mr. SHORTRIDGE. But the Government here did not retire. It continued to want the property.

Mr. HOWELL. No, Mr. President; I shall ultimately make that clear. It has been these canal associates and the Eastern Steamship Lines (Inc.) who have been promoting this proposed purchase ever since they discovered their enterprise to be a failure, and that was 10 years ago.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. HOWELL. I will ask the Senator to pardon me until I finish this explanation.

This condemnation was proceeding when Congress authorized the President by proclamation to take over lines of transportation, including barges designed for the Erie Canal and steamers on the Mississippi River; and the President issued a proclamation taking over, besides these railroads, the Cape Cod Canal. All the other canals were under Government control. They took over the Cape Cod Canal, just as they took over a railroad, and with no moral obligation to hold the canal, because the authorization in each case was distinct and separate. One was an authority to negotiate, given to the Secretary of War; the other was a war measure, affording the President authority to take over these transportation facilities.

Mr. SHORTRIDGE. Yes; but thereafter, Mr. President, the Government brought this action, did it not?

Mr. HOWELL. Oh, no; the action was then proceeding.

Mr. SHORTRIDGE. But it brought an action to acquire the property, did it not?

Mr. HOWELL. No; the action had already been brought.

Mr. SHORTRIDGE. I grant you that is so; but it brought it. What was the object of the suit? To acquire the property, was it not?

Mr. HOWELL. It was to determine the price—

Mr. SHORTRIDGE. Certainly.

Mr. HOWELL. And submit it to Congress.

Mr. SHORTRIDGE. Ultimately, to be sure.

Mr. HOWELL. But the point I am making is that there is no connection between the two acts. The President acted under authority of Congress, as a war measure.

Mr. SHORTRIDGE. Certainly.

Mr. HOWELL. The Secretary of War acted under authority of Congress to obtain a price.

Mr. SHORTRIDGE. To obtain the property.

Mr. HOWELL. No; to obtain a price.

Mr. SHORTRIDGE. In one respect—pardon me; I must apologize—it was, in a sense, exactly like the case of North Island. The Government took over the property, and thereafter the Government brought an action to acquire the property. The case was tried, tried properly, and the money paid, and the Government to-day has that property.

Mr. HOWELL. Mr. President, for the Senator's information I wish to call his attention to that provision of this amendment to which I have been referring:

In the event of the inability of the Secretary of War to make a satisfactory contract for the voluntary purchase of said Cape Cod Canal and its appurtenances, he is hereby authorized and directed, through the Attorney General, to institute and carry to completion proceedings for the condemnation of said canal and its appurtenances, the acceptance of the award in said proceedings to be subject to future ratification and appropriation by Congress.

Mr. SHORTRIDGE. That is correct.

Mr. HOWELL. There was absolutely no moral obligation to take over the canal. The Secretary of War was proceeding just as a city council proceeds when it appoints appraisers to appraise property for a street opening. If the appraisal handed in is satisfactory, the council approves it. If it is not satisfactory, it disapproves it; and if it takes no further action, that is the end of it. However, it may appoint other appraisers and proceed again. Any suggestion that there is a moral obligation upon the people of the United States to take over this property, in my opinion, has no foundation whatever. Always this question was uppermost: What is the price for which this canal can be acquired? Determine it, present it Congress, and then let Congress decide as to whether the price is such as will justify the purchase.

I am insisting here that this is a commercial enterprise, as it has been regarded by the canal associates from the beginning.

Mr. WILLIS. Mr. President—

Mr. HOWELL. Just one moment. To make this clear, Mr. President, I want to read a statement made before the House committee by the president of the canal company, Mr. Wilson:

I want to state just briefly for the information of the committee, Mr. Chairman, the history of this canal. I want to make it clear to the committee that it was built as a commercial enterprise, as business men go into any other business enterprise. It had no other object. Our people like to talk about personal pride in these matters, of course; but personal pride does not go far when several million dollars are involved in a commercial enterprise.

They have held it to be a commercial enterprise from the beginning. I insist that we should accept their definition; and in purchasing a commercial enterprise we determine its price upon a commercial basis.

Mr. WILLIS. Mr. President—

Mr. HOWELL. This canal had an income last year of \$419,000. If the proper amount had been spent upon operation, maintenance, and a reserve for depreciation, the net income would have been but \$119,000; and that, Mr. President, would pay but six per cent on \$2,000,000.

I now yield to the Senator from Ohio.

Mr. WILLIS. I simply wanted the Senator to complete the statement he started to make a moment ago, in response to the Senator from California, relative to the alleged military necessity of this canal. The Senator started to read from a report of the board, but left out the last sentence, which I think is very important. The board had been talking about the question of the military necessity of this canal; and it said, in House Document 1768, Sixty-fifth Congress, 3d session:

It—

That is, the board—

adheres, however, to its previous expressions to the effect that military necessity is not sufficiently great to warrant the department in urging the expenditure of public funds to that end.

That is the attitude of the department as to the military necessity.

Mr. SHORTRIDGE. Mr. President, if the Senator will pardon me, Colonel Black, of the Corps of Engineers, as of January 31, 1916, used this expression:

The Capt Cod Canal is open to commerce and has demonstrated its value, although not yet improved to its full depth. Detailed studies for the defense of our coast have shown the very great military value of the canal, and I am informed reliably that studies by the Navy have led to the same conclusion.

Mr. WILLIS. Mr. President, if the Senator had read a little farther on he would have found this language:

Considering the various parts of the intracoastal canal project, it is my belief—

That is, the belief of General Black—

that the opening of other portions of the canal route would give greater commercial relief than that obtainable by the Cape Cod Canal, and therefore that if the annual investment by the United States in such work is to be limited, other portions of the project should be given priority.

Mr. SHORTRIDGE. Certainly, both.

Mr. WILLIS. No; other portions should take precedence over this.

Mr. COPELAND. Mr. President, may I interrupt the Senator?

Mr. HOWELL. Certainly.

Mr. COPELAND. I dislike to impose upon him and take any of his time.

Mr. HOWELL. The Senator is not imposing in the least.

Mr. COPELAND. But when we consider the military necessity of this canal, is it not significant that from the very organization of our Government there has been a demand to construct and maintain a canal at this point? George Washington referred to it in 1776. His Secretary of War recommended it in the first administration of President Washington; and as far back as 1862 the Secretary of War recommended an expenditure of \$10,000,000 to construct this canal. So there never has been any question, and I have no doubt myself that at the present time there is no difference of opinion; as to the military uses of the canal.

Mr. HOWELL. Mr. President, a great change has taken place so far as naval and military equipment is concerned. At that time there were nothing but sailing vessels. At that time a sailing vessel might have saved two weeks had there been a canal available at this point. But to-day the sailing vessel is a thing of the past. Now 71 per cent of all the

vessels that could use this canal refuse to use it because they do not want to pay tolls.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. HOWELL. Certainly.

Mr. COPELAND. If we are considering the military advantage of the canal—which I think we were discussing—the matter of an hour or two hours might mean a lot in the movement of a warship, and it is just as vital, in spite of the change of motive power, to have facilities for speed, as it was at the time of George Washington.

Mr. HOWELL. Mr. President, I do not pretend to be an expert in respect to military or naval matters, and therefore I am quite willing to accept the view of the combined Army and Navy board which has said that in order to make this canal of real military value it ought to be fortified at each end; and they further stated that it was their view that the expense that would be thus incurred would not be justified by the military advantages resulting.

Mr. President, I desire to say a few more words directed specifically to this amendment. It merely provides that the Government of the United States shall not pay more for this canal than a sum equal to the average net earnings for the last three years, capitalized on a basis of 7½ per cent. That means this, that we would pay from \$1,500,000 to two million three or four hundred thousand for the canal, dependent upon just what the Chief of Engineers of the Army determined was the average cost of maintenance and operation.

This is a business proposition. It is a proposition that can be defended everywhere, and the proposal to pay \$11,400,000 for this canal can not, in my opinion, be defended anywhere as a business proposition.

Mr. COPELAND. Mr. President, will the Senator yield further?

Mr. HOWELL. Certainly.

Mr. COPELAND. I think the argument the Senator uses now might have been and was much more effective a month ago than now, in view of this latest decision of the court. Has not the Supreme Court just decided that in fixing the value of a railroad the reproduction cost must be considered?

Mr. HOWELL. Yes; it has.

Mr. COPELAND. That is a very vital thing here. The Senator referred to the accountants, Price, Waterhouse & Co., having fixed the primary cost of the canal at over \$8,000,000.

Mr. HOWELL. Six million dollars, the direct cost.

Mr. COPELAND. Eight million two hundred and fifty thousand dollars.

Mr. HOWELL. No; \$6,500,100.92 was the direct cost, according to the audit of Price, Waterhouse & Co.

Mr. COPELAND. Very well. Taking those figures, and applying the 50 per cent increase which General Taylor said would be necessary to bring it up to date, we get a sum equal to about \$10,000,000, but the figures I find here are \$8,250,000, which would make it something over \$12,000,000.

Mr. HOWELL. Mr. President, this is a commercial enterprise, and should be considered as a commercial enterprise. It is on that basis that we should buy it. We have no business to take the people's money and pay these canal associates more for this canal than its market price as a going concern.

We have gone too far already in distributing the assets of our Treasury; as, for instance, our generosity to European nations in lending money and canceling debts. In my opinion, Mr. President, we are not just to the interests of the people of this country when we do so.

Mr. JONES of Washington. Mr. President, I ask unanimous consent that when we complete our business to-day we take a recess until 11 o'clock to-morrow instead of 12, and that we shall vote on the substitute offered by the Senator from Nebraska [Mr. HOWELL], and all amendments thereto, and all amendments to section 2, at not later than 2 o'clock to-morrow.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. Mr. President, I have no objection to setting an hour for a vote on this amendment, or a vote on the bill, but I would object to meeting at 11 o'clock in the morning. The Committee on Agriculture and Forestry has a very important measure before it, and most of the members of that committee are interested both in this proposition and in the bill before that committee.

Mr. JONES of Washington. Let me say to the Senator from Oregon that I have made this request at the suggestion of one or two Senators who have expressed a desire to talk generally on the bill to-morrow. One of the Senators wants to talk for an hour, and he said that he did not expect to mention the Cape Cod Canal proposition; but he wanted to have some arrangement of this sort made. So I am satisfied that there would really be no interference with the Senator's committee meeting. Under those circumstances, there will probably be no

vote until at least after 12 o'clock, and possibly not until after 1 o'clock.

Mr. McNARY. The discussions are to go to the various aspects of the bill?

Mr. JONES of Washington. There are one or two Senators who want to talk generally on the bill. They requested that this arrangement be made, and that is the reason why I have suggested it. I feel that I can assure the Senator that there will be no vote on any amendment before 12 o'clock, anyway, and I think it is safe to say that there will be no vote before 1 o'clock.

Mr. McNARY. I think I shall have to protect the interests of the members of the Committee on Agriculture. Several expressed to me a desire to be here when any discussion appertaining to the bill takes place. I can not see how we will accomplish much by moving the hour up to 11 o'clock.

Mr. JONES of Washington. It was simply to meet the desires of several Senators who wanted a longer time to discuss the bill, because under our unanimous consent agreement, at 3 o'clock the 15-minute limitation will go into effect.

Mr. McNARY. I want the Senator to understand that I am not objecting to the setting of a time for a vote; I am ready for a vote now. I am only objecting to meeting at 11 o'clock in the morning.

Mr. JONES of Washington. I understand the Senator's position. Could we reach an agreement to vote on this amendment, and other amendments to section 2, at not later than 2 o'clock?

Mr. HOWELL. Mr. President, I have no objection to meeting at 11 o'clock, but I would not want to agree to a vote at 2 o'clock.

Mr. JONES of Washington. Then, Mr. President, we will let the order stand as it is; that is, to meet at 12 o'clock, and at 3 o'clock we start in under the 15-minute limitation.

Mr. MOSES. And it is the intention of the Senator to have the Senate remain in session to-morrow until the bill is disposed of?

Mr. JONES of Washington. That is what I desire to do. I move that the Senate proceed to the consideration of executive business.

Mr. SWANSON. Mr. President, I do not think we ought to have an executive session at this late hour. There is not a quorum here.

Mr. JONES of Washington. It has been requested by several Senators that we have an executive session.

Mr. SWANSON. I object to it.

Mr. JONES of Washington. I hope the Senator will not make a point of no quorum. It will take only three or four minutes to dispose of the executive business.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Washington.

EXECUTIVE SESSION

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 6 o'clock p. m.), under the order previously entered, took a recess until to-morrow, Tuesday, December 21, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 20 (legislative day of December 17), 1926

MEMBER OF INTERSTATE COMMERCE COMMISSION

Cyrus E. Woods, of Pennsylvania, to be a member of the Interstate Commerce Commission, for a term of seven years from January 1, 1927.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY GENERAL OFFICER

To be brigadier general, Ordnance Department Reserve
Brig. Gen. John Hodgen Rice, Ordnance Department Reserve, from February 4, 1927.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 20 (legislative day of December 17), 1926

UNITED STATES MARSHAL

Alf O. Meloy to be United States marshal for the district of Indiana.

PROMOTIONS BY TRANSFER IN THE ARMY

Clyde Harrison Lamb to be first lieutenant, Finance Department.

Lemuel Mathewson to be second lieutenant, Field Artillery.

PROMOTIONS IN THE ARMY

George Arthur Lynch to be lieutenant colonel, Infantry.
 William Ewen Shipp to be major, Cavalry.
 Rudolph Daniel Delehanty to be captain.
 William Henry Whiting Reinburg to be captain.
 Elmer Hugo Almquist to be captain.
 Charles Nicholas Senn Ballou to be first lieutenant.
 John Cyril Delaney to be first lieutenant.
 Samuel Rubin to be first lieutenant.
 Donald Wallace Norwood to be first lieutenant.
 Walden Sharp Lewis to be first lieutenant.
 Pacifico Castor Sevilla to be first lieutenant, Philippine Scouts.
 Ralph Henry Lewis to be captain, Veterinary Corps.

REAPPOINTMENTS IN THE ARMY

GENERAL OFFICERS

Palmer Eddy Pierce to be brigadier general, reserve.
 Henry Joseph Reilly to be brigadier general, reserve.

POSTMASTERS

ALABAMA

Frank F. Crowe, Montevallo.

ARIZONA

Charles J. Alden, Globe.
 Grace A. Fox, Oatman.
 Rufus M. Hoffman, Seligman.
 Burl A. Willmoth, Wickenburg.

GEORGIA

Mary P. Hughes, Alapaha.
 Lucius Hannon, Atco.
 Clifford J. Williams, Bainbridge.
 Elizabeth L. Ragan, Bronwood.
 Ertha Garner, Buford.
 Jesse H. Hicks, Chickamauga.
 Alexander Davidson, Cleveland.
 Herbert J. Knowles, Cuthbert.
 Mary L. Burch, Eastman.
 Horace T. George, Eatonton.
 Laurene K. Coleman, Graymont.
 Herschel I. Harris, Hamilton.
 Sara B. Fox, Harlem.
 Eli Waughtel, Homeland.
 Bessie Waldrop, Jackson.
 Eddie L. D. Horne, Leary.
 Roger H. Clark, Louisville.
 Ralph H. Johnson, Ocilla.
 Halton L. Dayton, Thomaston.
 William H. Freeman, Toombsboro.

KANSAS

Joseph B. Dick, Ellinwood.
 Charles I. Zirkle, Garden City.
 Thomas G. Armour, Hutchinson.
 Roy C. Mortimer, McCracken.
 Edmond Houdyshell, Pawnee Rock.
 Caroline Boman, Virgil.
 Henry N. Jessen, White Water.

NEW HAMPSHIRE

Fred H. Ackerman, Bristol.
 Amos J. Dinsmoor, Laconia.
 George L. Crockett, Whitefield.
 William E. Jones, Winchester.

NORTH DAKOTA

Charles C. Bohrer, Cathay.
 May K. Retzlaff, Kenmare.

PENNSYLVANIA

Emma M. Schrock, Garrett.
 Paul Smith, Hughesville.
 Edward Bayley, Picture Rocks.

TENNESSEE

Thomas E. Tipler, Grand Junction.
 Charles H. Bewley, Greenville.
 John T. E. Williams, Jonesboro.
 Alfred F. Agee, Lafollette.
 Mattie S. Luther, Madisonville.
 Joseph R. Mitchell, Mascot.
 Oscar M. Millard, Soddy.
 Kester L. Pearson, White Pine.

TEXAS

James S. Mewhinney, Buckholts.
 Lou Gammill, Calvert.

Jesse D. Starks, Floydada.
 Curtis D. Crossman, Garland.
 Charles A. Duck, Greenville.
 William F. Moore, Kemp.
 John L. Dillon, Leonard.
 Arthur A. McNeil, Moody.
 John B. Reneau, Munday.
 William Tays, New Braunfels.
 Joseph Wren, Normangee.
 Mary J. Lovely, Weslaco.

UTAH

William H. Fitzwater, Duchesne.
 Frank Beesley, Eureka.

HOUSE OF REPRESENTATIVES

MONDAY, December 20, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou art the life and the light of men. We are so limited and dependent that the silence of necessity is with us. Do Thou touch our hearts with a heavenly glow. We thank Thee for rich privileges. May we answer to their call and rise to their opportunities. Impress us that anything but genuine fidelity to them is failure and sullies our calling with forbidding neglect. Oh, may our zeal never slacken, our faith never weaken, and our love never grow cold. Broaden and deepen our range of understanding and our moral natures. Chasten our pride and continue to fit us for strong and acceptable service for our country which has so honored us. Amen.

The Journal of the proceedings of Saturday was read and approved.

BILL TO PROTECT PATENT RIGHTS OF EX-SERVICE MEN

Mr. BLANTON. Mr. Speaker, may I propound a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. BLANTON. On the 13th of the month the gentleman from Indiana [Mr. VESTAL] asked unanimous consent to rescind the action of the House and have the Speaker withdraw his signature from Senate bill 4480, which was a bill to protect the patent rights of ex-service men when they were in France. That unanimous consent was refused, and under the parliamentary situation automatically that bill should have gone back to the Senate for the Vice President's signature. I am informed no action whatever has been taken on that bill. The claim is that the bill is still before the House.

The SPEAKER. It is.

Mr. BLANTON. May I propound this parliamentary inquiry? When the House refuses unanimous consent on such a proposition does not that automatically send the bill back?

The SPEAKER. The Chair thinks not. It is simply a question of consideration, it is still on the table.

Mr. TILSON. I hope the gentleman from Texas will let that matter go over until the gentleman from Indiana, the chairman of the Committee on Patents [Mr. VESTAL], can be present.

Mr. BLANTON. I will state to the gentleman from Connecticut, the floor leader of the House, that the ex-service men do not want this action taken. They want the bill to go to the Vice President and be signed. They feel their rights are jeopardized in having that bill held up, and automatically, in my judgment, with all deference to the opinion of our distinguished Speaker, who is a splendid parliamentarian, the bill automatically goes back to the Vice President because the House had refused unanimous consent. That is all I have to say about it.

THEODORE E. BURTON

Mr. TILSON. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. Mr. Speaker, to-day is an important day in the annals of Congress, because it marks the three-quarter-century birthday of one of our ablest, most respected, and most beloved colleagues, the Hon. THEODORE E. BURTON, of Ohio. [Applause.]

For more than a third of a century he has been a conspicuous figure in the life of this Republic. He first served in the House of Representatives in the Fifty-first Congress, and, with an intermission of only four years, continued to

serve here with notable distinction until the end of the Sixtieth Congress. In 1909 he went to the United States Senate, where for six years he served with equal distinction. He then voluntarily retired from the Senate and for a number of years was an outstanding figure in the business life of the great metropolis of this country.

When he reached the age at which most men who have been preeminently successful think of retiring from active business, Senator BURTON retired, but not to lapse into ease and idleness. Not THEODORE E. BURTON. It was then that he reached the decision to come back to the House of Representatives, where he had previously spent 16 delightful years in congenial public service, in order that he might devote the ripest and best years of his life to the service of his country here in this body. So he sits among us now, honored, admired, beloved by us all, a veritable tower of strength in our midst. [Applause.]

As he to-day passes the seventy-fifth milestone along the high road of a life crowded with notable deeds of usefulness and crowned with the friendship and love of his fellows, we honor ourselves by pausing in our work to honor him. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for two minutes. Is there objection? There was no objection.

The SPEAKER. The gentleman from Tennessee is recognized.

Mr. GARRETT of Tennessee. Mr. Speaker, I join the gentleman from Connecticut [Mr. TILSON] in extending to the distinguished gentleman from Ohio [Mr. BURTON] congratulations upon his attaining his seventy-fifth birthday. For a long period of time the gentleman from Ohio has been recognized nationally and internationally as one of the eminent, outstanding figures of America. His character has always been such as to command the greatest respect, and his intellectuality has been of that quality which commanded admiration. It is with pleasure that I join in the words of congratulation extended to him. [Applause.]

Mr. BURTON rose, and was greeted with applause.

The SPEAKER. The gentleman from Ohio is recognized.

Mr. BURTON. Mr. Speaker and fellow Members of the House, I do not know what I can say to adequately express my thanks to Messrs. TILSON and GARRETT for their kind words, and to you for this friendly demonstration. I am sure that I shall remember this occasion with the deepest gratitude until my latest hour. It is the heart and not the head that is speaking now.

You have surely disproved a prevalent impression that in the hurly-burly of public life appreciation is limited to a politician who is dead. I have lived a long while, and yet I can not say that I have lived long enough. It is my earnest desire to tarry yet a while to see what shall happen in this wonderful age. The 75 years which I have witnessed are contemporaneous—we hardly realize it—with the political and material developments almost equaling all the years that preceded them; and what shall happen in the future? I should give thanks to Heaven every day that I have been preserved to this year in health and strength. Indeed, it seems to me that the qualities which we prize in health have been improved with the passing years. And I may say, in a lighter vein, What shall I be at 80, should nature keep me alive, if life is so full and joyous at only 75? If defeat or sickness or infirmity should detach me from this body and the public service, I know not where I should go, for my ambition is to serve the country which we all love so well.

Let me express the wish, in closing, that irrespective of party affiliations we may engage in the work of this House now and at the beginning of the new year with a comradeship, with a friendship, with a cooperation which shall be worthy of the great task which we have to perform. [Applause.]

Again I thank you. [Applause, the Members rising.]

JOHN B. WEBER

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for five minutes. Is there objection?

Mr. MACGREGOR. Mr. Speaker, Col. John B. Weber died at his home at Lackawanna, N. Y., a suburb of Buffalo, on Saturday last at the age of 84. He was a Representative in Congress in the Forty-ninth and Fiftieth Congresses from 1885 to 1889 from the thirty-fifth congressional district of New York. The then thirty-fifth district is now largely in the present

forty-second congressional district, from which comes our good friend and colleague JAMES M. MEAD.

Colonel Weber's public service was as sheriff of Erie County, N. Y., Representative in Congress for the Forty-ninth and Fiftieth Congresses, and as Commissioner of Immigration at the port of New York from 1890 to 1893. He enlisted as a private in the Forty-fourth Regiment, New York Volunteers, in the Civil War and attained the rank of colonel of the Eighty-ninth United States Colored Infantry.

His first entry into politics, aside from minor offices, was as the opponent of Grover Cleveland for the office of sheriff of Erie County, N. Y., in which contest Grover Cleveland was elected. At the same time that Colonel Weber took his seat as Representative in Congress Grover Cleveland was inaugurated as President of the United States. In the meantime Mr. Cleveland had been mayor of the city of Buffalo and governor of the State of New York.

It is interesting to note who were the associates of Colonel Weber in the House of Representatives during his term of service.

From Alabama came Gen. Joseph Wheeler, of Civil and Spanish War fame, and also John H. Bankhead, who afterwards became United States Senator, the father of our friend and colleague, the Representative from Alabama, WILLIAM B. BANKHEAD; from Georgia came Charles F. Crisp, Speaker of the House in the Fifty-second and Fifty-third Congresses and father of our esteemed colleague CHARLES R. CRISP; from California, the late lamented Justice of the United States Supreme Court, Joseph McKenna; from Illinois, the beloved Uncle Joe Cannon, who was the idol and respected friend of most of us here, and also our lately departed friend, William Mason, familiarly known as Billy Mason, who went to the Senate and then came back to us; from Iowa, David B. Henderson, Speaker of the House in the Fifty-sixth and Fifty-seventh Congresses; from Indiana, William S. Holman, whose name is so familiar to all of us as the author of the Holman rule; from Kentucky, John G. Carlisle, Speaker of the House in the Forty-eighth, Forty-ninth, and Fiftieth Congresses and later a United States Senator, and later Secretary of the Treasury; from Maine, the famous Thomas B. Reed, Speaker of the House in the Fifty-first, Fifty-fourth, and Fifty-fifth Congresses, and also from Maine, Nelson Dingley, jr., of Dingley bill fame; from Massachusetts, the scholarly and learned Henry Cabot Lodge, who as United States Senator looms large in the history of our country; from New York, Joseph Pulitzer, the remarkable character of newspaper fame, the editor and publisher of the New York World; Samuel S. Cox, familiarly known as Sunset Cox, who served four terms in the House from Ohio and was elected eleven times from New York; Abram S. Hewitt, who afterwards became the mayor of New York City; Sereno E. Payne, of tariff fame; James S. Sherman, familiarly known as Sunny Jim, who afterwards became Vice President of the United States; from Pennsylvania, Samuel J. Randall, Speaker of the House for the last session of the Forty-fourth and during the Forty-fifth and Forty-sixth Congresses, and also Andrew J. Curtin, Civil War Governor of the State of Pennsylvania and later minister to Russia; from Texas, Roger Q. Mills, of Mills bill fame and afterwards United States Senator from Texas; from Virginia, John Randolph Tucker, the father of our esteemed colleague HENRY ST. GEORGE TUCKER; from Wisconsin, the stormy petrel Robert M. La Follette.

All of these distinguished men have been ferried across the river that marks the unknown shore, and now Colonel Weber, the survivor of them all, has joined his colleagues leaving behind him a record of a life of devotion to the public good and a memory that will be cherished by all who had the good fortune to know him. [Applause.]

THE CONSENT CALENDAR

The SPEAKER. The Clerk will call the first bill on the Consent Calendar.

ROAD ON THE LUMMI INDIAN RESERVATION, WASH.

The Clerk read as follows:

A bill (H. R. 61) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, by agreement with the gentleman from Washington [Mr. HADLEY] I ask unanimous consent that this bill may go over without prejudice and retain its place on the Calendar.

The SPEAKER. The gentleman from Michigan asks unanimous consent that this bill may go over without prejudice and retain its place on the calendar. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, that same request may be made 15 times to-day. The bill should go to the foot of the calendar and then we may be able to catch up—some of us who have work on this calendar. Those bills come before us repeatedly.

Mr. CRAMTON. It is not my desire to occupy time, and the request would not have occupied time without discussion. It is necessary. It is a matter that is being investigated.

Mr. LAGUARDIA. I shall object to the gentleman's request unless the bill goes to the foot of the calendar.

The SPEAKER. Objection is made.

Mr. CRAMTON. I will make the request, under the objection of the gentleman from New York, that without prejudice it may be passed over and go to the foot of the calendar.

The SPEAKER. Is there objection?

There was no objection.

Mr. WINGO. Mr. Speaker, may I make a suggestion that will expedite business? Some Members will insist on the same point. Let the request be made that the bills be passed over without prejudice, and let it be understood that they go to the foot of the calendar.

The SPEAKER. The gentleman from Arkansas asks that it be understood that bills that are passed over shall go to the foot of the calendar. Is there objection?

Mr. CHINDBLOM. Reserving the right to object, that is only for to-day?

Mr. WINGO. Yes; only for to-day. I know there will be this colloquy on several bills, and in order to save time that should be the practice to-day.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

DELIVERY OF A BELL TO THE ROTARY CLUB OF CRAWFORDSVILLE, IND.

The next business on the Consent Calendar was the bill (H. R. 10130) authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Rotary Club, of Crawfordsville, Montgomery County, Ind., a bell of a battleship that is now or may be in his custody.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. BEGG. Reserving the right to object, Mr. Speaker, I would like to ask the author of the bill if this bell was donated to the Rotary Club?

Mr. UPDIKE. It was not.

Mr. BEGG. Then for what reason do they expect it? It has been suggested that we pass over this bill for a while until the author comes in. I will make that request unless there is some objection.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill be temporarily passed over. Is there objection?

Mr. WINGO. Mr. Speaker, in order to save time, I will ask if it is intended that all other similar bills in the interest of rotary are to be treated in the same way?

Mr. UPDIKE. Yes.

Mr. WINGO. I have bills for several of them. It is obvious that it will simply delay matters and clutter up the calendar. I do not think the House should agree to grant this bill to a rotary club unless we agree to all of them.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent that the bill take the course suggested a moment ago by the gentleman from Arkansas [Mr. Wingo], since the author of the bill is not here.

Mr. WINGO. Mr. Speaker, as the author of the bill is not present, I ask unanimous consent that the bill be passed without prejudice and take its place at the foot of the calendar.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that this bill be passed without prejudice and take its place at the foot of the calendar. Is there objection?

There was no objection.

JURISDICTION OVER THE TAKING OF FISH AND GAME WITHIN THE ALLEGANY, CATTARAUGUS, AND OIL SPRING INDIAN RESERVATIONS

The next business on the Consent Calendar was the bill (H. R. 10731) to grant to the State of New York and the Seneca Nation of Indians jurisdiction over the taking of fish and game within the Allegany, Cattaraugus, and Oil Spring Indian Reservations.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I would like to have a little information. Why is this necessary on Indian lands, and why should it not apply to State lands as well as Indian lands?

Mr. REED of New York. Mr. Speaker, the situation is this: The Indians have absolutely no chance to protect their own game. The Allegany, Cattaraugus, and Oil Spring Indian Reservations are contiguous to my district and the Indians on those reservations are very anxious to practice conservation. As it stands to-day they have no control over the shooting of game on these reservations. They can not control it at all. Their own people go out and shoot the year around. There are State game preserves right alongside of these reservations, and if a deer wanders over there in the closed season, of course any Indian can go out and kill it. The Indians there do not want that done, and they have asked for this measure. They want the conservation laws of the State of New York to apply to these reservations. Under this bill they are protected in the issuance of licenses. They will get the fees and they will use the money for reforestation and game propagation on the Indian reservations. They are asking for this legislation because it is in their interest.

Mr. BEGG. The gentleman has satisfied me.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that Senate bill 3728, an identical bill, be substituted for the House bill.

The SPEAKER. The gentleman from Montana asks unanimous consent that Senate bill 3728 be considered in lieu of House bill 10731. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, are they identical bills?

Mr. REED of New York. They are not entirely identical, but they are identical with the exception that there is an amendment in the Senate bill that excepts certain property which was condemned by the State of New York. That is all.

Mr. GARRETT of Tennessee. The gentleman means there is an amendment in the Senate bill to do that?

Mr. REED of New York. The Senate bill is identical with the exception that there is an amendment in the Senate bill. The same provisions remain in the bill that I have just discussed, and the only difference is that some years ago the State of New York condemned certain lands for canal purposes, and the amendment in the Senate bill is simply to except those lands from this measure. That is all.

Mr. GARRETT of Tennessee. And that amendment is in the Senate bill?

Mr. REED of New York. That is correct.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That on and after the effective date of this act, the laws of the State of New York (including laws hereinafter enacted) relating to the taking of game and fish shall be applicable to the taking of game and fish within the Allegany, Cattaraugus, and Oil Spring Indian Reservations in the State of New York; except that—

(1) Any such law which discriminates against the Indians and in favor of any other person shall not be applicable; and

(2) The Seneca Nation of Indians shall have the exclusive right to authorize, and to issue permits and licenses for, the taking of game and fish within such reservations.

(3) *Provided,* That this act shall be inapplicable to lands formerly in the Oil Spring Reservation and heretofore acquired by the State of New York by condemnation proceedings.

With the following amendment:

Page 1, line 3, strike out the words "effective date" and insert "passage."

The amendment was agreed to.

The SPEAKER. The Chair will call the attention of the gentleman from New York to a word that is apparently a misprint. In line 4 of the bill the word "hereinafter" should be "hereafter."

Mr. REED of New York. That is correct.

The SPEAKER. Without objection, that correction will be made.

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill was laid on the table.

MILITARY PARK AT THE BATTLE FIELD OF STONES RIVER, TENN.

The next business on the Consent Calendar was the bill (H. R. 6246) to establish a national military park at the battle field of Stones River, Tenn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the policy with regard to all of these park bills has been to have a survey made by the department. There are several surveys being made at this time, and as the author of the bill is not present I ask unanimous consent that the bill be passed without prejudice and take its place at the foot of the calendar.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill be passed without prejudice and take its place at the foot of the calendar. Is there objection?

There was no objection.

MILITARY PARK AT AND NEAR FREDERICKSBURG, VA.

The next business on the Consent Calendar was the bill (H. R. 9045) to establish a national military park at and near Fredericksburg, Va., and to mark and preserve historical points connected with the battles of Fredericksburg, Spotsylvania Courthouse, Wilderness, and Chancellorsville, including Salem Church, Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, this is the same kind of bill and I make the same request.

The SPEAKER. Without objection, the bill will be passed over without prejudice, taking its place at the foot of the calendar.

There was no objection.

FORT DONELSON NATIONAL MILITARY PARK

The next business on the Consent Calendar was the bill (H. R. 11324) to establish a national military park at the battle field of Fort Donelson, Tenn.

The Clerk read the title of the bill.

The SPEAKER. Without objection, the bill will be passed over without prejudice and take its place at the foot of the calendar.

There was no objection.

FORT HUNT, VA., AND FORT WASHINGTON, MD.

The next business on the Consent Calendar was the bill (H. R. 12391) authorizing the National Capital Park and Planning Commission to purchase Fort Hunt, Va., and Fort Washington, Md.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, it is my painful duty to make the same request.

Mr. HILL of Maryland. Mr. Speaker, I hope the gentleman from New York will reserve his objection, because this bill is different from the other bills.

This bill, which was introduced by the gentleman from Maryland [Mr. ZIHLMAN], chairman of the Committee on the District of Columbia, provides for the transfer from the War Department to the National Capital Park and Planning Commission of Washington of these two historic forts at the valuation placed on them by the War Department. This can not be done until the President himself feels that the time for the transfer has arrived and approves it.

Mr. BEGG. Will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. BEGG. Why appropriate money if it is a mere transfer?

Mr. HILL of Maryland. Because there is a separate accounting of the funds that are received from these properties, and they go into the permanent military post construction fund.

Mr. BEGG. Could not the gentleman just introduce a bill authorizing the transfer of this property?

Mr. HILL of Maryland. No; because this property is now occupied by troops, and the troops can not be taken away until there are less expensive barracks provided for them. The housing is very bad there. Last summer I inspected both Fort Hunt and Fort Washington.

Mr. CRAMTON. Will the gentleman yield?

Mr. HILL of Maryland. I yield.

Mr. CRAMTON. There is another interesting feature about this. The National Capital Park and Planning Commission now have authority to buy this property or any other property in the District or in Maryland or in Virginia and then pay for it out of its appropriations; but this bill intends to get away from that and have the expense chargeable to the Federal Treasury instead of taking it out of the ordinary appropriation which they already have authority to use. In other words, with present existing law the commission have authority, if they have sufficient money, to do this very thing now.

Mr. ZIHLMAN. The gentleman does not contend that the District funds should be used to buy forts in Maryland and in Virginia?

Mr. CRAMTON. If the National Capital Park and Planning Commission are to acquire this as a part of their planning and park program, then the expenditure should be taken care of as the law provides for all of the work of that commission. Personally, I may say here that I feel the appropriation which has been made has not been as much as it should be. I think at this time, when construction is so active and all these points are being encroached upon, the commission should have the full \$1,000,000 a year that the law authorizes, but I do not believe we should start a practice here of having this tract or that tract which the commission feel is essential to their program appropriated for out of the Federal Treasury instead of the way that was provided when the law was passed.

Mr. ZIHLMAN. It certainly was not contemplated that forts would be purchased in neighboring States out of the District funds. That is a problem we have got to meet by adopting a fixed policy.

Mr. CRAMTON. That law expressly provides that the National Capital Park and Planning Commission may acquire property in the District or in Maryland or in Virginia and provides how those purchases shall be paid for. If this is a part of their program, as the bill states, it should be paid for as their program is to be paid for under the law.

Mr. HILL of Maryland. Mr. Speaker, just a moment and then I will yield to the gentleman from New York [Mr. LAGUARDIA]. This is not an appropriation, but an authorization. I now yield to the gentleman.

Mr. BLANTON. This is all under a reservation of objection. Mr. LAGUARDIA. How many troops are barracked there now?

Mr. HILL of Maryland. One battalion.

Mr. LAGUARDIA. Where are you going to put them?

Mr. HILL of Maryland. They are to go eventually to Camp Meade. The barracks are now being built at Camp Meade, and they will not be transferred until the barracks are completed.

Mr. LAGUARDIA. The gentleman will recall that when we had before us the sale of surplus property of the War Department, in order to obtain funds to rebuild quarters, the gentleman stressed the necessity of rebuilding these very barracks.

Mr. HILL of Maryland. Oh, no; not as to Fort Washington. The gentleman is wrong about that, because it has always been contemplated that Fort Washington and Fort Hunt would ultimately be abandoned as military posts. The House will be interested in the facts as set forth in the report on this bill, which is as follows:

Mr. HILL of Maryland, from the Committee on Military Affairs, submitted the following report (to accompany H. R. 12391):

The Committee on Military Affairs, to whom was referred the bill (H. R. 12391) authorizing the National Capital Park and Planning Commission to purchase Fort Hunt, Va., and Fort Washington, Md., having considered the same, report favorably thereon with the recommendation that the bill do pass.

It seems of great importance to acquire the properties known as Fort Hunt, Va., and Fort Washington, Md., no longer needed for military purposes, for proper extension of the park system of the National Capital.

Fort Hunt is located in Fairfax County, Va., 16 miles below Washington, D. C. It is located on the Potomac River just across Little Hunting Creek from Mount Vernon. It was acquired by purchase from 1893 to 1896 at a cost of \$45,526.87 and includes 197.413 acres. In House Report No. 375, Sixty-ninth Congress, first session, dated February 24, 1926, its estimated sales value is \$178,281. The entire frontage on the Potomac River and Little Hunting Creek is forested, and a wharf located thereon presents a view up the river to Washington City and down the river to Mount Vernon.

Fort Washington is located in Prince Georges County, Md., 14 miles south of Washington City. It consists of 354.30 acres. It was acquired by purchase and condemnation at various times between 1808 and 1914 at a cost of \$38,117.60. The frontage on the Potomac River and Piscataway Creek is covered with fine forest, and an elevated plateau presents splendid views of the Potomac River and the Maryland embankment to Mount Vernon. Including a substantial wharf, the improvements at this station amount to \$734,386. The present sales value is estimated in House Report No. 374, Sixty-ninth Congress, first session, page 41, as \$175,650.

The United States Bureau of Fisheries formerly occupied a limited portion of the land near the river front but was removed to rented quarters farther down the river when this tract was entirely needed for military purposes. This bureau is anxious to return to this point, and if this were done its hatchery and fish ponds would add great interest in connection with its use as a park.

The reports of both the Senate and House committees on the bill establishing the National Capital Park Commission provide as follows (H. Rept. No. 971, 68th Cong., 1st sess.; S. Rept. No. 245, 68th Cong., 1st sess.):

" * * * For proper extension of the National Capital park system the following lands should be acquired * * * 3. Development of park boulevards down the Potomac, on the Virginia side to Mount Vernon, on the Maryland side to Fort Washington, along the bluffs overlooking the river. * * * "

To carry out this provision it is regarded as one of the most important features of the proposed park extension to acquire the tracts included in both these military reservations. This point constitutes the natural southern terminus of the Potomac boulevard in Maryland. From every standpoint it would seem extremely unfortunate to lose the opportunity of the preservation of such tracts for park and parkway purposes, and there is no question that if now sold the cost of acquiring them at a later period will be greatly in excess of the amount that can now be realized by their sale.

Mr. LaGUARDIA. So the gentleman now requests first an appropriation out of the Federal Treasury to acquire this property, and then the building of new barracks to house the troops that are now at this very post.

Mr. HILL of Maryland. No; that is not quite the situation. The situation is that as soon as the new barracks, which Congress has already authorized, are constructed at Camp Meade, the troops in Fort Hunt and Fort Washington will be at once transferred to Camp Meade. These posts will ultimately be sold either to a branch of the Government or to the public. Under the law as it now exists the War Department is directed to sell them, and it would be a most unfortunate thing if these two very historic posts, especially Fort Washington, which has some of the most interesting fortifications in the country in it, should be sold to some private individual.

Mr. LaGUARDIA. Who owns them now?

Mr. HILL of Maryland. The Government owns them now.

Mr. LaGUARDIA. They will not run away, will they?

Mr. HILL of Maryland. No.

Mr. LaGUARDIA. Then, what are you worrying about?

Mr. HILL of Maryland. Under the act of Congress previously passed they are directed to be sold.

Mr. LaGUARDIA. No; that is entirely under the control of the War Department. That is my objection to the bill.

Mr. HILL of Maryland. But Congress has given the War Department the power to sell them.

Mr. LaGUARDIA. And the gentleman urged that bill. I object, Mr. Speaker.

Mr. BLACK of Texas. Mr. Speaker, in order to end this discussion, I object to the bill.

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. RAMSEYER. Mr. Speaker, what is the effect of the unanimous consent granted to the gentleman from Arkansas [Mr. WINGO]?

The SPEAKER. Where a request is granted that the bill be passed over without prejudice the bill goes to the foot of the calendar.

Mr. RAMSEYER. A bill passed over without prejudice goes to the foot of the calendar.

The SPEAKER. Yes.

HUMAN BLOOD FOR TRANSFUSION

The next bill on the Consent Calendar was the bill (H. R. 12468) to pay for human blood for transfusion purposes.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. I object. It is liable to be abused.

Mr. JAMES. Will the gentleman reserve his objection?

Mr. BLANTON. I will reserve it if the gentleman wants to speak about it. I shall object finally.

Mr. JAMES. I want to say that the War Department has been paying \$25 to a soldier who was willing to give his blood to save another soldier's life. The Comptroller General has ruled that that can not be done. It is not an easy thing to get somebody to give his blood. It is not an easy thing in case somebody is willing to give his blood to get blood of the right type. I know, because I have had three transfusions. It is not simply the case of a friend coming in and being willing to give his blood. There are four types; type 1, type 2, type 3, type 4. When I had the three transfusions I had many friends who wanted to give me their blood, but they were of a different type, and I had to pay somebody to give me his blood. If this bill passes, they would find soldiers who were willing to give their blood, and they would find out what type they were

and then when it was necessary for a transfusion they would look up the record and find the right type and use that man's blood. I do not think this will be abused.

Mr. BLANTON. The gentleman had no trouble in getting blood, did he?

Mr. JAMES. I could not use many who wanted to give me their blood because their blood was not the same type as mine.

Mr. BLANTON. But the gentleman did get blood three times.

Mr. JAMES. Yes.

Mr. BLANTON. If the gentleman knew the hospitals as I do, he would understand that under such a law it would be abused every day, and I object.

The SPEAKER. The gentleman from Texas objects, and the bill is stricken from the calendar.

CORRECTING THE ACCOUNT BETWEEN THE STATE OF NEW YORK AND THE UNITED STATES

The next bill on the Consent Calendar was House joint resolution (H. J. Res. 207) directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. p. 777), and appropriated for in the deficiency act of February 27, 1906.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LaGUARDIA. Reserving the right to object, what authority does this bill carry? Is it a bookkeeping transaction or is the money to be paid?

Mr. GRAHAM. It is a bill to correct an error in the adjustment of the claim reported by the comptroller, and is asked for in order to correct an inadvertence in that settlement.

Mr. LaGUARDIA. It is a bookkeeping proposition?

Mr. GRAHAM. I understand it so.

Mr. TILSON. Will the gentleman from Pennsylvania yield for a question?

Mr. GRAHAM. Yes. I ask unanimous consent that the bill be passed over until the gentleman from New York who introduced it is present.

Mr. TILSON. Reserving the right to object, may I call the attention of the gentleman to the fact that in these resolutions it is usual to drop the whereases when the resolution is adopted. If that should be followed in this case the joint resolution would be meaningless with the whereases dropped out. The resolution does not carry sufficient language to explain the matter at all.

Mr. LaGUARDIA. It would open up all sorts of accounts with the State of New York.

Mr. GRAHAM. No.

Mr. TILSON. If the whereases are eliminated, as they usually are, the resolution is meaningless.

Mr. GRAHAM. Every good rule admits of an exception, and in this case the whereases would be retained with the resolution. It was presented to the House in the form that it now is, referred to our committee, and the committee did not see fit to strike out the whereases for the reason suggested by the gentleman from Connecticut that without the introductory language the resolution would not be clear. But I have asked that it be passed over until the gentleman from New York [Mr. SWEET] comes in.

Mr. BEGG. I think that would be a waste of time. If it is called up again to-day, I shall object to it.

Mr. GRAHAM. I ask, Mr. Speaker, that the bill go over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

REFUNDING OF CERTAIN LEGACY TAXES

The next business on the Consent Calendar was the bill (H. R. 7588) to extend the time for the refunding of certain legacy taxes erroneously collected.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. Mr. Speaker, I object, and I want my objection registered so that this will go off the calendar permanently.

Mr. CHINDBLOM. Mr. Speaker, I join in the objection.

Mr. LaGUARDIA. Mr. Speaker, I join in the objection.

The SPEAKER. Three objections are noted, and the bill is permanently stricken from the calendar.

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. GRAHAM] may make an explanation of the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRAHAM. Mr. Speaker, I want to know the basis for the objections?

Mr. CHINDBLOM. Mr. Speaker, this is a bill extending the time of limitations within which to make claims for refunds of taxes, and the bill should not have gone to the Committee on the Judiciary. We have had that same question before the Committee on Ways and Means with reference to every revenue bill.

Mr. GRAHAM. I beg the gentleman's pardon, but it is properly in this connection referred to the Committee on the Judiciary, in view of prior legislation upon this very subject; but aside from that I want to know whether the objection was based upon a mere form of procedure or to the merits of the bill.

Mr. CHINDBLOM. It is based upon the merits of the bill to this extent. We have the same kind of questions in dozens of different forms before the Committee on Ways and Means and we have uniformly refused to open up the period of limitation for the refunding of taxes.

Mr. LAGUARDIA. And will the gentleman add that this same bill has been reported unfavorably three times.

Mr. GRAHAM. Mr. Speaker, I thought unanimous consent had been given to me to make an explanation. An act was passed in 1902 which provided that all taxes should be suspended on contingent distribution claims, either under a will or under an intestacy. The Treasury by its rulings decided that the act did not apply to anything but wills, and it required litigation up to 1915 to have it established by the Supreme Court that it did apply to intestacies and that no legacy or distributive share should be taxed unless it were reduced to possession and enjoyment prior to July 1, 1914. There was no statute of limitations in the act of 1902—none whatever. An act was passed in 1912 which declared that all claims not presented to July 1, 1914, should be barred. Meantime these two estates or three were appealing their cases to the Supreme Court under the prior rulings, and the Supreme Court decided not only that this act of 1902 referred both to intestacies and testacies but also provided that these claims, unless the distributive share had not been reduced to possession or enjoyment prior to that time, could not be taxed. The Attorney General in 1907 rendered an opinion in which he said that this money which had been collected improperly by the Government is nothing but a fund held in trust, to be turned back to these people who are entitled to it, and he went further and said that the claims ought to be allowed at once. However, this question of the statute arose, and it was held open. There are three or four claimants, with an aggregate of less than \$100,000, whose money had been collected and held by the Government, as the Attorney General declared, as a trust fund, and you refuse to return it to them. The Committee on Claims passed on this, and the Committee on the Judiciary has passed upon it, and it is properly and regularly before the House under this reference.

Mr. CHINDBLOM. Will the gentleman permit a question?

Mr. GRAHAM. Yes.

Mr. CHINDBLOM. After all, it is money paid under a mistake of law.

Mr. GRAHAM. Not at all.

Mr. CHINDBLOM. It is taxes paid under a mistake of law.

Mr. GRAHAM. No; it is money paid under an erroneous ruling of the Treasury.

Mr. CHINDBLOM. We have had the same thing numberless times in the consideration of the two revenue bills since I have become a member of the Committee on Ways and Means, the revenue act of 1924 and the revenue act of 1926. Some people pursue their remedies and go into the courts and get the rulings of the courts. Others pay the taxes without question, and then the plea is made that because the Supreme Court has passed upon one case all who are similarly situated should have the same treatment. It is exactly that question.

Mr. GRAHAM. My friend will pardon me for suggesting that that is in error in this case. The gentleman is saying that a class is rushing in here to get paid. That is not true. Nearly everybody who had these claims came in before July 1, 1914, and they have been paid. Ninety-five per cent of all of the claims have been paid, but 5 per cent, because of their litigation, have been suspended. They now ask for six months in which to present those claims. It is a matter of justice. The great Government of the United States can afford to be honest with its taxpayers and not stand upon any technicality. Remember, that in 1902 Congress said that this should not be taxed. Will Congress stultify itself now because the money has passed into the Treasury by holding on to it and refusing to give it back? It is monstrous injustice.

Mr. CHINDBLOM. The gentleman is making the same argument we have had before the Ways and Means Committee on

other similar cases. I do not think we should make flesh of some cases and fowl of others.

Mr. BEGG. Mr. Speaker, I demand the regular order.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS COLUMBIA RIVER BETWEEN LONGVIEW, WASH., AND RAINIER, OREG.

The next business on the Consent Calendar was the bill (H. R. 11608) granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct, maintain, and operate a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.

The Clerk read the title of the bill.

Mr. SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRUMPACKER. Mr. Speaker, I object.

Mr. SINNOTT. Mr. Speaker, I object.

Mr. HAWLEY. Mr. Speaker, I object.

The SPEAKER. Three objections are heard, and the bill is stricken from the calendar.

STEAMSHIP "MADELEINE"

The next business on the Consent Calendar was the bill (H. R. 11516) to authorize the payment of an indemnity to the Government of France on account of losses sustained by the owners of the French steamship *Madeleine* as a result of a collision between it and the United States steamship *Kerwood*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

Mr. LOZIER. Mr. Speaker, I object.

The SPEAKER. The Chair only notes two objections.

Mr. BLANTON. Then, of course, the bill comes up.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Government of France, out of any money in the Treasury not otherwise appropriated, a sum equivalent to £3,550 2s. 5d. in settlement of a claim presented by the Government of France on account of damages sustained by the French steamship *Madeleine* in a collision with the United States steamship *Kerwood*, in the harbor of Brest, France, on May 11, 1918.

Mr. BLANTON. Mr. Speaker, I ask recognition. At least if we pass this bill we ought to amend it and provide that this money ought to be credited to the obligations which the French Government owes the United States. We have paid France in cash for everything, notwithstanding the billions she owes us. I have been wondering whether if we go out in the Speaker's lobby and look in those two vases we will find in them the \$4,000,000,000 the French Government owes the United States. They must have sent it over here and it must be in those vases; none of it reached the Treasury of the United States. I am one of those who want the French Government to do something. My constituents and your constituents are still borrowing money to pay for Liberty bonds that they subscribed to during the stress of war to furnish these \$4,000,000,000 to the French Government, and yet we keep on passing these bills and keep on paying the cash to the French Government, and we are getting nothing but criticism and condemnation from the French nationals. Now, if the Congress wants to do that, why it has that right. We all have different minds; there is a divergence as to our judgment. You may do it, but I do not want to do it.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

REFUND OF \$25,000 TO THE COLUMBIA HOSPITAL FOR WOMEN AND LYING-IN ASYLUM

The next business on the Consent Calendar was the bill (S. 2729) to authorize the refund of \$25,000 to the Columbia Hospital for Women and Lying-in Asylum.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object—

Mr. BLANTON. I am going to object.

Mr. CRAMTON. Will the gentleman withhold the objection for a moment?

Mr. BLANTON. Yes.

Mr. CRAMTON. Mr. Speaker, this is a private institution which performs absolutely a District function. The District has a contract with them by which they care for District patients and they are paid for on a per capita basis for such care. From time to time gifts are made from the Treasury to

the institution. Before 1917 several hundred thousand dollars of such gifts. From 1917 down to date the gifts run about \$200,000, and the very year this alleged refund occurred—

Mr. BEGG. Did I understand the gentleman to say from 1917 down to date it was \$200,000?

Mr. CRAMTON. Yes; and the very year this alleged refund took place the gift was about \$20,000, so that when these accumulated moneys in the Treasury were turned over to the District and the Federal Treasuries, there had been gifts at least ten times over what that amounted to. Now, this bill is in the nature of a further gift. Whenever we desire to make further gifts it should be a District proposition and not charged against the Federal Treasury. There is a bill to follow providing a \$300,000 gift in the way of a new building. That I have no objection to and shall not object to it, but I object to this for two reasons. First, because it comes in under a claim of being a refund as if we had taken something away from them. That is not true or fair. The second reason is the bill before us involves a charge on the Federal Treasury that should not be made.

Mr. ZIHLMAN. If the gentleman will withhold his objection in order that I may make a very brief statement.

Mr. CRAMTON. I will withhold my objection, but I intend to make it.

Mr. ZIHLMAN. I will say the gentleman is in error; this is not a private institution. This hospital is erected on land owned by the Federal Government. The buildings were paid for one-half by the Federal Government and one-half by the District of Columbia.

Mr. CRAMTON. Several hundred thousand dollars?

Mr. ZIHLMAN. Possibly. Now, I will say to the gentleman—

Mr. CRAMTON. Does the gentleman claim the hospital is managed by officials of the District of Columbia?

Mr. ZIHLMAN. It is managed by officials appointed by the District Commissioners.

Mr. CRAMTON. It is a public institution and not a private corporation?

Mr. ZIHLMAN. It is a private corporation conducting a hospital erected by the Federal Government. The land is owned by the Federal Government and the institution is directed by the Federal Government.

Mr. CRAMTON. That does not change the fact that the institution has received from the District and the Federal Treasury gifts twenty times greater than this alleged refund. The balance is in favor of the Federal and District Treasury.

Mr. ZIHLMAN. Conceding that, the situation is this: This hospital, which is a Government institution, is three years back in its current bills. It is badly in need of repair. It has no home for nurses. It is obliged to go out and get nurses outside the hospital, imposing an additional cost running into a deficit every year. They have already received more than generous treatment from those who make up the budget of charitable institutions in this District.

Mr. CRAMTON. I repeat that any estimate that comes up in a regular way for an appropriation for this institution will have no opposition from me.

Mr. TILSON. The gentleman says this is a Government institution erected on Government land. Is it not a fact that it is really a District of Columbia institution, so far as its service is concerned?

Mr. ZIHLMAN. Yes. The gentleman from Kansas [Mr. STRONG] is one Member who is in great sympathy with any effort made to put this hospital on a self-sustaining basis, and there are other Members who are equally interested in placing the hospital on a self-sustaining basis.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. BEGG. If this hospital has to be operated by the Government on Government land, why is it not operated by the Government?

Mr. ZIHLMAN. The District has not taken it over as a public institution, and just why that is so I am unable to say, but it is certainly a semipublic institution in the District of Columbia.

Mr. BLANTON. If the gentleman from Maryland would go there to-day, he would have to pay from \$8 to \$10 a day for his room and \$50 a week for his nurse.

Mr. LAGUARDIA. But it is a lying-in hospital.

Mr. CRAMTON. Is not the real purpose to get the money out of the Federal Treasury to maintain this institution?

Mr. ZIHLMAN. No; as a means of paying some pressing bills of the institution. They felt that as to the \$25,000, which was a surplus during the crowded period of the war, it was wrong to cover it into the Treasury. But whether they receive it in this way or in the District of Columbia appropriation bill is

immaterial. This hospital is really in need of financial aid at this time.

Mr. CRAMTON, Mr. BLANTON, and Mr. VINCENT of Michigan objected.

The SPEAKER. Three objections have been made. The Clerk will report the next bill.

NURSES' HOME FOR THE COLUMBIA HOSPITAL

The next business on the Consent Calendar was the bill (H. R. 10355) to authorize the construction of a nurses' home for the Columbia Hospital for Women and Lying-in Asylum.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object. This bill ought not to come up in this way.

The SPEAKER. Objection is heard. The bill is stricken from the calendar. The Clerk will report the next bill.

AMENDING THE CODE OF THE DISTRICT OF COLUMBIA RELATING TO CORPORATIONS

The next business on the Consent Calendar was the bill (H. R. 12661) to amend the Code of Law of the District of Columbia relating to corporations by inserting a new section to be known as section 645.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, this bill is designed to permit the American Bar Association to incorporate.

Mr. LAGUARDIA. That is another bill.

Mr. BLANTON. I see. I shall not object.

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I want to point out to the gentleman from Maryland [Mr. ZIHLMAN] that we have a law in our State and it is quite a hardship on owners of small homes to secure second mortgages. They can not go to the loan shark and get a second mortgage unless they incorporate in order to get away from the usury law. I do not think we should extend that vicious practice to the District of Columbia. Therefore I object.

The SPEAKER. Objection is heard. The bill is stricken from the calendar. The Clerk will report the next bill.

AMENDING SECTION 6 OF THE ACT OF AUGUST 30, 1890

The next business on the Consent Calendar was the bill (H. R. 12775) amending section 6 of the act of August 30, 1890.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Reserving the right to object, I would like to get some information on it.

Mr. BLANTON. This is a bill introduced by my colleague from Texas [Mr. HUDSPETH], and it is a very important measure. Mr. HUDSPETH is now absent both on account of sickness in his family and pressing business. Otherwise he would be here at this time. This bill is highly important to the cattlemen of the Southwest who have cattle in Mexico.

Mr. BEGG. I was given to understand by the author of the bill about a year ago, when the bill was introduced, that it was just a sort of emergency proposition. The cattle were taken to Mexico during a period of shortage of pasture on the American side. What are you trying to do?

Mr. BLANTON. The range in some places becomes short of water and grass, and the cattle will die unless they are moved. The cattleman takes his cattle to Mexico in such an emergency, expecting to bring them back.

He tides over his emergency; it rains, he gets grass back on his ranch, and he wants to bring his cattle back. This is to permit the Secretary of Agriculture to provide safeguards and allow him to bring them back.

Mr. BEGG. I think the gentleman had better ask to have the bill passed over.

Mr. BLANTON. I am sure the gentleman from Ohio knows the conditions that now exist in Mexico.

Mr. BEGG. When did those conditions come about and when was this drought?

Mr. BLANTON. The gentleman knows. In certain parts of the Southwest we have droughts regularly, though not in the same sections.

Mr. BEGG. And that is where you grow the cattle, is it?

Mr. BLANTON. Sometimes cattlemen in one part of the State have magnificent grass and water, while cattlemen in another part of the State have none, and their respective situations are then reversed the next year. The gentleman knows the conditions in Mexico now, and he knows the great emergency for getting property out of certain parts of Mexico.

Mr. BEGG. When did that emergency arise?

Mr. BLANTON. Well, it has been in existence for months, but Congress has not been in session.

Mr. BEGG. But this bill was introduced about a year ago.

Mr. BLANTON. But it has been emphasized by the recent growing unrest in Mexico. I hope the gentleman will let this bill pass.

Mr. BEGG. No; I think I will have to object.

The SPEAKER. Is there objection?

Mr. BEGG. I object.

LOAN OF CERTAIN FRENCH GUNS TO THE CITY OF WALLA WALLA, WASH.

The next business on the Consent Calendar was House joint resolution (H. J. Res. 233) authorizing the Secretary of War to loan certain French guns which belong to the United States and are now in the city park at Walla Walla, Wash., to the city of Walla Walla, and for other purposes.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. Without objection, the whereases will not be reported.

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to loan the four French 155-millimeter guns with their carriages and all appurtenances thereto which are now in the city park at Walla Walla, Wash., to the city of Walla Walla without bond until such time as said guns may be needed for national defense.

With the committee amendment striking out all the preambles.

The committee amendment was agreed to.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the resolution was passed was laid on the table.

AMENDING SECTION 6 OF THE ACT OF AUGUST 30, 1890

Mr. BEGG. Mr. Speaker, I ask unanimous consent to withdraw my objection to the bill just ahead of the last one and have it passed over without prejudice.

The SPEAKER. The gentleman from Ohio asks unanimous consent to withdraw his objection to House bill 12775 and asks unanimous consent that the bill may be passed over without objection.

Mr. BLANTON. And retain its place on the calendar.

Mr. BEGG. I did not make that request.

The SPEAKER. The Chair will not submit that request, in view of the unanimous-consent agreement that bills passed over without objection should go to the foot of the calendar.

Mr. BLANTON. Mr. Speaker, in view of the fact that my colleague [Mr. HUDSPETH] is detained on account of sickness and very pressing business, I ask in this one instance that this particular bill retain its place on the calendar.

Mr. BEGG. Mr. Speaker, I object.

DREDGING AND FILLING IN THE VICINITY OF THE ABERDEEN PROVING GROUNDS, MD.

The next business on the Consent Calendar was the bill (H. R. 11087) authorizing certain dredging and filling in the vicinity of the Aberdeen Proving Grounds, Md.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, at first blush this bill appears to be a humanitarian bill to protect poor ducks from being poisoned, but as you read it it seems to be a bill to prevent the poisoning of ducks so that men may shoot them. Perhaps the gentleman from Maryland [Mr. HILL] can explain to the House why \$90,000 should be appropriated for this purpose.

Mr. HILL of Maryland. Mr. Speaker, in the testing of inflammatory shells the Aberdeen Proving Grounds have covered large areas in the upper waters of the bay and the lower waters of the Susquehanna with phosphorus pellets which will exist indefinitely under water. All sorts of remedies have been tried to prevent the death of ducks in huge quantities all over that section of the State from eating these pellets. It is not only bad for the ducks but deleterious for the people who pick them up and eat them.

Mr. LAGUARDIA. Ducks?

Mr. HILL of Maryland. Yes. The War Department has made every attempt to remedy this condition, and the only way it can be done is by proper dredging. We have spent a great

deal of money on the protection of ducks and other wild fowl, and it is absolutely necessary that this be done.

Mr. LAGUARDIA. This certainly represents a most novel feature of our rivers and harbors, that of dredging to help ducks. If the gentleman and his friends around there want to remedy that condition, they can easily chip in and pay the \$90,000 and purify the water so that those who kill ducks and eat them afterwards will not be poisoned.

Mr. SUMMERS of Washington. Is it to help lame ducks?

Mr. LAGUARDIA. Is that nice? I object, Mr. Speaker.

Mr. HILL of Maryland. Mr. Speaker, I want to say to my friend that I am not a lame duck. I did not run for the House and get defeated. I tried to get in the Senate, and, therefore, I am a static statesman and not a lame duck. [Laughter.]

I carried my congressional district by a large majority in the senatorial primary and Baltimore City by 3,816. In the state-wide senatorial primary a change of 182 votes in three counties and districts would have nominated me as candidate for the Senate from Maryland.

The House should give careful consideration to the facts relating to the Aberdeen Proving Grounds as set forth in the report, which is as follows:

Mr. HILL of Maryland, from the Committee on Military Affairs, submitted the following report to accompany H. R. 11087:

The Committee on Military Affairs, to which was referred the bill (H. R. 11087) authorizing certain dredging and filling in the vicinity of the Aberdeen Proving Grounds, Md., having considered the same, report thereon with the recommendation that it do pass.

This is a bill to bring about an abatement of a condition existing in a certain area of the upper reaches of the Chesapeake Bay that is causing the death of thousands of wild ducks and other fowl every year during their spring and fall migrations. These ducks and geese are found poisoned and dead in thousands all along the shores of Kent, Harford, Cecil, and the adjoining counties.

During the year 1923 the War Department, in a series of experiments at Aberdeen Proving Grounds, dropped bombs containing phosphorus in this area of the bay. This chemical, poisonous to the fowl, is preserved in water, consequently it is just as potent in its effect to-day as it was when first dropped, and the War Department experts state it will so continue unless remedied.

Of course, as soon as the department knew of its effect the experiments were stopped and have not been resumed where such damage would be inflicted, but until some method similar to that proposed in this measure is carried out the disastrous losses of this wild fowl will continue in this area.

During the hearings on the bill it was developed that this area forms the first stopping place of the wild ducks in their migration south in the fall and north in the spring. Consequently it is the finest hunting grounds on the eastern seaboard for wild duck, and farmers and sportsmen all over this section of the country are interested in the passage of this legislation.

The area where the deaths occur has a growth of celery upon which the ducks feed. However, because of the deposit of phosphorus the ducks are poisoned; and although the War Department is expending approximately \$1,500 a year for gas guns which fire at regular intervals and have provided lights to try to scare away the ducks, it has not proven effective, and the deaths still continue.

The bill proposes the dredging of an area and the filling and covering of this poisoned area. This dredging will open a channel so that a wharf can be established at Aberdeen Proving Grounds, a very desirable addition to the facilities at that important Government experiment station. Thus the measure, if enacted, will provide a twofold benefit.

The report of the War Department on this measure is as follows:

APRIL 28, 1926.

HON. JOHN M. MORIN,

Chairman Committee on Military Affairs,

House of Representatives.

DEAR MR. MORIN: In compliance with your request of April 14, 1926, I am pleased to submit the following report on H. R. 11087.

The subject of the proposed legislation is "authorizing certain dredging and filling in the vicinity of the Aberdeen Proving Grounds, Md."

There are no applicable provisions of existing law on the subject, and no changes will be brought about in any existing law by the proposed legislation.

The deposit of phosphorus which it is proposed to remove by dredging arose from firing conducted with the 4-inch Stokes trench mortar using phosphorus-filled shells, between May 19 and June 6, 1923. A considerable number of reports of casualties in wild fowl were received in December, 1923, and in the early part of 1924. An investigation made by the commanding officer, Aberdeen Proving Ground, and by the Bureau of Biological Survey of the Department of Agriculture, disclosed that many of the casualties were due to phos-

phorus poison and that the probable source of the poison was the area in question.

In the seasons of 1924-25 and 1925-26 enlisted guards were stationed in this area and some apparatus was used for the purpose of frightening the wild fowl and preventing them from alighting. As a result of the measures taken, it is known that the number of birds killed by phosphorus in the last two seasons has greatly decreased, and it is believed that there will be a further decrease this year.

Estimates prepared by the district engineer, United States Army, Baltimore, Md., for the removal of the phosphorus-infected material from the bottom of this area or the filling of the area vary from \$65,000 to \$90,000, the former figure involving the dredging of one part of the area and the filling of the remaining part, while the latter figure involves the dredging of the entire area and the placing of the material on shore. It is believed that for an annual expenditure of about \$1,500 the area in question can be guarded as in the past two seasons and more efficient frightening devices can be installed and operated during each season.

The necessity of action to protect the bird life in this area is recognized, but it is believed the expensive work of dredging to accomplish the purpose is not justified at this time, since it is probable that a continuation and improvement of the system of guards and frightening devices will accomplish the same end with much less expenditure of funds.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

If the Committee on Military Affairs wishes to have hearings upon the proposed legislation, the following-named officers are designated to appear before your committee: Col. W. H. Tschappat, Ordnance Department; Maj. W. N. Porter, Chemical Warfare Service.

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

Witnesses at the hearings testified that the deaths of ducks are increasing rather than decreasing. The proposed legislation will be cheaper in the long run and will remedy an intolerable condition.

WORLD WAR NATIONAL GUARD ORGANIZATION

The next business on the Consent Calendar was the joint resolution (H. J. Res. 272) providing for the return of funds belonging to World War National Guard organizations that are not reconstituted.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, in the absence of my colleague the gentleman from Minnesota, I will ask to have this bill passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PURCHASE OF UNIFORMS, ACCOUTERMENTS, AND EQUIPMENT

The next business on the Consent Calendar was the bill (H. R. 3936) to repeal the laws authorizing the purchase of uniforms, accouterments, and equipment from the Government at cost.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

Mr. HILL of Maryland. I hope the gentleman will reserve his objection a moment. I have been asked, Mr. Speaker, what is a static statesman, and I would like to say that a static statesman is a more or less dead politician. [Laughter.]

PAYMENTS FOR MUNICIPAL IMPROVEMENTS ON RECLAMATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 430) to authorize payments for municipal improvements on reclamation projects, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill, if passed, would establish a precedent that would be quite far-reaching. At the present time the Government does not assume obligation for paving adjacent to its property throughout the country. If this should become law, then it would necessarily have to be extended to include property adjacent to post-office buildings, and so forth, involving paving charges galore. I believe that so far-reaching a precedent ought not to be made, and therefore I object to the consideration of the bill.

MEMORIAL DAY

The next business on the Consent Calendar was the joint resolution (H. J. Res. 266) providing for the observance of the sixtieth anniversary of the first Memorial Day, and for other purposes.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection?

Mr. BEGG. Mr. Speaker, I object.

Mr. DENISON. Mr. Speaker, reserving the right to object, I dislike to object to this bill, for one reason on account of my high respect for the author of the resolution; but the Congress last year passed a bill to commemorate the origin of Decoration Day, and that bill has been approved by the President and preparations are being made to erect the memorial tablet commemorating this event in the Memorial Amphitheater in Arlington Cemetery. The order originating Memorial Day was issued by General Logan when he was commander in chief of the Grand Army of the Republic. This bill has already become a law, and for that reason I am constrained to object to the consideration of this bill.

Mr. ADKINS. Will the gentleman yield for a question?

Mr. DENISON. Yes.

Mr. ADKINS. Are not those tablets being sent throughout the country now and being put up in compliance with the law the gentleman refers to?

Mr. DENISON. Yes; but there is one to be placed in the Amphitheater in Arlington Cemetery under the resolution passed by the last Congress to commemorate this event, and for that reason I object.

Mr. ADKINS. I object.

Mr. RANKIN. Will the gentlemen who objected reserve their objections in order that I may ask that the bill be permitted to go over without prejudice?

Mr. BEGG. Mr. Speaker, I think the thing to do with some of these bills is to get them off of the calendar, and I object to that.

INCORPORATION OF THE AMERICAN BAR ASSOCIATION

The next business on the Consent Calendar was the bill (H. R. 11277) to provide for the incorporation of nonprofit, nonsecret associations of a national character formed for patriotic and for professional purposes in the District of Columbia.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object—

Mr. BLANTON. Will the gentleman yield? The gentleman from New York will note that under the preamble of the bill numerous organizations may incorporate. The report is headed "Incorporation of American Bar Association." If the bill was for that purpose alone I would not object to it. But as the bill is drawn it does not restrict it to the bar association and it ought to be amended. If we could amend it on the floor and merely provide for the American Bar Association, with which we are all in sympathy, I do not think there would be any objection.

Mr. RATHBONE. If the gentleman will yield, my colleague [Mr. McLEOD], who introduced the bill, is not present. He is not able to be here. I know that it would be agreeable to him to have it amended. The purpose was to permit the American Bar Association to incorporate here in the District of Columbia. I am perfectly willing to assume responsibility and say that we will agree to the amendment.

Mr. LAGUARDIA. The bill would have to be redrafted because I raised the same objection at the last session.

Mr. RATHBONE. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. BEGG. I object to that. Let us perform the operation on it now.

Mr. HILL of Maryland. I should be one of the three objectors to the bill as it is drawn, although I have no objection to the American Bar Association.

Mr. BLANTON. It ought to be redrafted.

Mr. GRAHAM. Mr. Speaker, if this bill were to be changed by amendment and confined to the incorporation of the American Bar Association it would still be subject to another objection. It ought not to be in the District Committee. The American Bar Association's application for incorporation has been before the Judiciary Committee a number of times. A bill is pending for that purpose there now. But the objection of that committee has been based on the theory that incorporations by act of Congress ought not to be granted unless the incorporation is for some purpose in furtherance of the delegated powers of the National Government. In other words, the Congress of the United States is not a mill to turn out corporations for everybody. [Applause.]

Mr. RATHBONE. If the gentleman will yield, the Constitution of the United States gives Congress the exclusive jurisdiction over the District of Columbia. There is no incorporation law of the District of Columbia at the present time which

would permit of this incorporation, unless a certain number of the incorporators were residents of the District. It would be unfair to the National Bar Association to require them to meet those requirements and that is why they are applying for a charter here.

The SPEAKER. Is there objection?

Mr. HILL of Maryland, Mr. BEGG, and Mr. GRAHAM objected.

Mr. RATHBONE. Mr. Speaker, I ask unanimous consent that it may go over without prejudice.

Mr. BEGG. I object to that.

The SPEAKER. Objection is heard, and the bill is stricken from the Calendar.

MUNICIPAL IMPROVEMENTS ON RECLAMATION PROJECTS

Mr. ARENTZ. Mr. Speaker, I ask unanimous consent to return to Calendar No. 669, H. R. 430, a bill to authorize payment for the municipal improvements on reclamation projects, and for other purposes. The gentleman from Idaho [Mr. SMITH] was not present at the time it was up for consideration, and I ask unanimous consent that it be passed over without prejudice and go to the foot of the calendar.

The SPEAKER. The gentleman from Nevada asks unanimous consent to return to Calendar No. 669, House bill 430, reconsider the action taken by the House, and let the bill go over without prejudice. Is there objection?

Mr. BEGG. I object to that. It will come up next time, and it will take three objections.

The SPEAKER. Objection is heard.

LABELING FOREIGN PRODUCTS

The next bill on the Consent Calendar was the bill (H. R. 12315) to amend section 8 of the food and drugs act, approved June 30, 1906, as amended.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LaGUARDIA. Reserving the right to object, what does this bill propose to do; label all nuts that come into the country? [Laughter.]

Mr. SWING. No; it only provides for labeling the container.

Mr. LaGUARDIA. That would not serve the purpose, because the retailer would not get the notice that the gentleman wants to give.

Mr. SWING. It will reach 75 or 85 per cent of the present deception, which is a deception on the small grocer, the small fruit-stand man, who does not want to deceive the public.

Mr. RANKIN. Reserving the right to object, I ask that the bill be read.

The Clerk read the bill, as follows:

Be it enacted, etc., That effective six months after the date of the enactment of this act, section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, is amended by adding at the end thereof a new paragraph to read as follows:

"That for the purposes of this act nuts, raw fruits, and raw vegetables, grown outside of the United States and its Territories, shall also be deemed to be misbranded, if there be not plainly and conspicuously stated on the package or label (a) the name of the country where grown in letters at least as large as those in the name of any other place on such package or label, and (b) the common name and the quantity by weight or volume of any such products, if commingled with nuts, raw fruits, or raw vegetables grown in continental United States."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LAZARO. Mr. Speaker, I desire to offer an amendment to include rice also.

Mr. SWING. Mr. Speaker, I have no objection to that.

The SPEAKER. The gentleman from Louisiana offers an amendment, which the Clerk will report.

Mr. HUDDLESTON. Mr. Speaker, I reserve a point of order upon the amendment. May I call the gentleman's attention to the fact that this is a matter that ought to be considered by a committee, so that we might understand something about the implications and the effect of such an amendment?

Mr. SWING. It was considered in the committee, as I am informed, and rice is grown in Louisiana and somewhat in California. It is in much the same situation as the other things. It would be helpful to the industry, and I think to the consumer, to know whether he is getting domestic rice handled under sanitary conditions or Chinese rice.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman from California yield?

Mr. SWING. Yes.

Mr. LaGUARDIA. Has the gentleman considered the possibility of this reacting in a different way? The gentleman will recall the old English statute passed when they were fearing competition from Germany. The English Parliament passed a law requiring all importations to be marked just as in the gentleman's bill, and "made in Germany" became a slogan, and it simply resulted in the invasion of the English market with "made in Germany" articles. I suppose the gentleman has given consideration to that phase of the matter?

Mr. SWING. Yes; we will take our chances on that.

Mr. HUDDLESTON. Mr. Chairman, I reserve the point of order on the amendment upon the ground that it is not germane.

The SPEAKER. Does the gentleman make the point of order?

Mr. HUDDLESTON. I hesitate to make it for the reason that I do not fully understand the amendment. I am in favor of informative labeling for the benefit of consumers, and if I understood the implications of the amendment more fully perhaps I would not object to it. But the matter of amending a statute by amendment from the floor is a very delicate thing, and I am frank to say that I do not understand the amendment fully.

Mr. LAZARO. My amendment will simply add rice.

Mr. HUDDLESTON. I do not know what its implications are nor what effect it will have. It is a dangerous practice. I do not like to make a point of order, because I want everyone who uses rice to know where the rice comes from, but what the effect of the amendment would be in this connection, I am frank to say, I do not know. I think the committee ought to have some more deliberate opportunity to consider the matter, especially in view of the fact that unanimous consent is given to consider the bill without any idea that an amendment of that nature was to be presented. In other words, an entirely new subject of legislation is introduced, and nobody knows anything about it here on the floor. With all desire to accommodate, I feel that as a matter of practice we ought not to permit such an amendment to be made.

The SPEAKER. The Chair is distinctly of the opinion that the amendment is germane and overrules the point of order.

Mr. HUDDLESTON. That is the only ground on which I can object to it.

Mr. CRAMTON. Mr. Speaker, it does seem to me that members of the committee ought to be protected against surprise when bills are considered in this manner. This bill was discussed and its provisions were outlined. There was no suggestion that the bill was to be broadened by bringing in another commodity that is of a somewhat different character; and no one objects to the consideration of the bill. I am not especially opposed to this item. I do not believe the practice ought to grow here of giving consent to consider a bill and then, after consent is given, having a very important amendment not formerly suggested sprung upon the House.

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, I take it that any Member of the House will not be precluded from offering a germane amendment. Neither do I think it is bad faith.

Mr. CRAMTON. Oh, I would not suggest bad faith, but I do think it is a practice that ought not to be followed.

Mr. BLACK of Texas. It would be going pretty far to do that. Any Member has a right to offer a germane amendment if a bill is up for consideration.

Mr. HUDSON. Mr. Speaker, will the gentleman from Louisiana yield?

Mr. LAZARO. Yes.

Mr. HUDSON. Was this amendment presented before the committee and discussed?

Mr. LAZARO. We discussed it, and my understanding was that it was to be offered on the floor.

Mr. HUDSON. It was not turned down by the committee?

Mr. LAZARO. It was not. Mr. Speaker, I offer to amend in line 11, page 1, by inserting the word "rice" after the words "raw fruits."

The SPEAKER. The gentleman from Louisiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAZARO: Page 1, line 11, after the words "raw fruits," insert the word "rice."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Louisiana.

Mr. CRAMTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present.

Mr. CRAMTON. In that connection I simply say that I am not going to present the point of order. I did not intend to, but I do want to emphasize to gentlemen here that this sort of a procedure is dangerous. Men who have bills to get through, if they resort to this practice, are apt to lose out. I withdraw the point of order of no quorum.

Mr. HUDDLESTON. Mr. Speaker, I demand a division.

The House again divided; and there were—ayes 35, noes 5.

So the amendment was agreed to.

The bill was ordered to be engrossed and read the third time; was read the third time and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ATHLETIC FIELD AND GYMNASIUM, HOWARD UNIVERSITY

The next business on the Consent Calendar was the bill (H. R. 12802) to amend the act entitled "An act to enable the trustees of Howard University to develop an athletic field and gymnasium project, and for other purposes," approved June 7, 1924.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RANKIN. Mr. Speaker, reserving the right to object, I want to know what it is first.

Mr. ZIHLMAN. The bill simply changes the act of Congress of 1924 by changing the word "reconvey" to "convey."

Mr. RANKIN. Convey what?

Mr. ZIHLMAN. A small piece of ground owned by the Federal Government at the intersection of Fairmont and the University, northwest Washington.

Mr. RANKIN. I will permit it to pass to the foot of the calendar but I am not willing for the bill to be passed until we know more about it.

Mr. ZIHLMAN. This is simply to carry out what Congress has already done.

Mr. RANKIN. I object.

RELIEVING THE ADJUTANT GENERAL OF OREGON, ETC.

The next business on the Consent Calendar was the bill (H. R. 9912) approving the transaction of adjutant general of the State of Oregon in issuing property to sufferers from a fire in Astoria, Oreg., and relieving the United States property and disbursing officer of the State of Oregon and the State of Oregon from accountability therefor.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the action of the adjutant general of the State of Oregon in directing the issuance of military property secured from the reserve stores of the Army at Fort Stevens, Oreg., of a value not exceeding \$1,775.80, for the relief of sufferers from a disastrous fire in Astoria, Oreg., December, 1922, is approved and credit for all such supplies so issued shall be allowed by the War Department in the settlement of the accounts; and the adjutant general of the State of Oregon and the State of Oregon relieved of the accountability for the same.

Committee amendment: On page 2, line 2, strike out the word "adjutant general" and insert in lieu thereof "United States property and disbursing officer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended so as to read: "A bill approving the transaction of the adjutant general of the State of Oregon in issuing property to sufferers from a fire in Astoria, Oreg., and relieving the United States property and disbursing officer of the State of Oregon and the State of Oregon from accountability therefor."

RELIEF OF SOLDIERS BECAUSE OF MISREPRESENTATION OF AGE

The next business on the Consent Calendar was the bill (S. 3615) for the relief of soldiers who were discharged from the Army during the Spanish-American War because of misrepresentation of age.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers of the United States Army, their widows and dependent children, a soldier who was enlisted between April 21, 1898, and August 12, 1898, both dates inclusive, and who was discharged for fraudulent enlistment on account of misrepresentation of his age, shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom, if his service otherwise was such as would have entitled him to an honorable discharge: *Provided*, That no back pay or allowances shall accrue by reason of the passage of this act: *Provided further*, That in all such cases the War Department shall, upon request, grant to such men or their widows a discharge certificate showing that the soldiers are held and considered to have been honorably discharged under the provisions of this act.

The committee amendment was read, as follows:

Page 1, line 7, strike out the words "August 12, 1898," and insert in lieu thereof "July 1, 1902."

The amendment was agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

INCREASE OF MEMBERSHIP OF NATIONAL COMMITTEE FOR AERONAUTICS

The next business on the Consent Calendar was the bill (H. R. 13115) to increase the membership of the National Advisory Committee for Aeronautics, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object—

Mr. BLANTON. I object; this is too important a bill.

MARKERS FOR THE BATTLE FIELDS OF EASTPORT AND IUKA, MISS.

The next business on the Consent Calendar was the bill (H. R. 9564) providing for markers for the battle fields of Eastport, Miss., and Iuka, Miss.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to obtain and place on the Civil War battle fields of Eastport, Miss., and Iuka, Miss., located in Tishomingo County, of said State, appropriate markers, out of any moneys in the Treasury not otherwise appropriated, for the purpose of properly preserving these historic landmarks.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

INSPECTION OF BATTLE FIELDS, BRICES CROSS ROADS, MISS., AND TUPELO, OR HARRISBURG, MISS.

The next business on the Consent Calendar was the bill (H. R. 12640) to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BEGG. Reserving the right to object, did we not pass a bill last spring authorizing the establishment of a commission to take up the battle fields? It seems to me we did. If we did, of course I am going to object.

Mr. RANKIN. I will say to the gentleman from Ohio these battle fields are in this condition—

Mr. BEGG. Can the gentleman give any information about the bill passed here, a bill from the Committee on Military Affairs, which is the law now?

Mr. RANKIN. I understand. Under the bill passed last year it would take a good many years to make those inspections. These old men who fought on both sides in those battles are still living, some of them, and we must get our information from them. This bill provides only for inspection, taking men from each army.

Mr. BEGG. I will say to the gentleman that we do not need a separate commission for every little battle that was fought. We tried to avoid bills just of this kind by passing the other bills.

Mr. RANKIN. They will not cover the situation.

Mr. BEGG. I mean every battle. We have been asked to take care of all of them.

Mr. RANKIN. This will cost practically nothing; and the commissions will be composed of men from the two armies that fought in those battles in order that the places may be marked and those marks registered for future reference, so that in the years to come, when the American people wake up to a realization of the importance of maintaining these landmarks, we may have a map designation to go by.

The SPEAKER pro tempore. Is there objection?

Mr. BEGG. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

INTERNATIONAL TRADE EXHIBITION

The next business on the Consent Calendar was the bill (H. R. 12931) to provide for maintaining, promoting, and advertising the International Trade Exhibition.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. I reserve the right to object.

Mr. O'CONNOR of Louisiana. Mr. Speaker, in connection with the consideration of this bill I desire to say that the gentleman from Pennsylvania [Mr. WELSH], the chairman of the Committee on Industrial Arts and Expositions, has written a letter to the majority floor leader, the gentleman from Connecticut [Mr. TILSON], asking that the bill go over. Of course, if I could convey the happy tidings to Mr. WELSH that the gentlemen in charge of the Consent Calendar on the Republican side were extremely anxious to promote the general welfare and asked for the passage of the bill at once it would be exceedingly gratifying to him and to me. I would be glad to give him that assurance and I shall be happy to act as envoy to Mr. WELSH's office when he returns and say that the House wished to pass at once such a meritorious measure as that sponsored by me as the author and him as the chairman of the committee that reported it favorably to the House.

Mr. BEGG. When he is through with it, I can take care of it in short order.

Mr. O'CONNOR of Louisiana. Would the gentleman object to the bill if it went to consideration? The gentleman should elucidate, as his attitude is enigmatical. That expression might bid me hope and might mean death to my hopes. But, of course, I know he is opposed to the bill, and in view of that attitude of the gentleman who is the watchdog of the Treasury on that side—and I mean it in a fine sense—I will have to ask that this bill go over without prejudice until January 17, when the chairman of the Committee on Industrial Arts and Expositions [Mr. WELSH] will endeavor to persuade all the Members that this measure is in promotion of the country's commercial interests and general welfare, and I hope it will then receive favorable consideration.

Mr. BEGG. I object. The next time it will take three objectors.

Mr. O'CONNOR of Louisiana. Will not the gentleman reserve that objection for a minute?

Mr. BEGG. Yes.

Mr. O'CONNOR of Louisiana. Mr. Speaker and gentlemen of the House, in my judgment this is one of the best bills that has ever come before the House on the Consent Calendar. I am confident that it will promote the general welfare of this country more efficiently and to larger advantage even than any work that the Department of Commerce can do in the future. The International Trade Exhibition is for the purpose of promoting trade relations with the countries south of us particularly and the world at large generally. The location is ideal, in the city of New Orleans, with its Latin-American environment. Men come up from South and Central America to New Orleans, and there they are put in a position where they can arrange for trade relations on a larger scale and to better advantage as a result of intimate personal contact than through our Consular Service and through the Department of Commerce.

Mr. LAGUARDIA. I believe there is in the House a great deal of sympathy for the gentleman's bill, but the gentleman will realize that this country is still smarting after having been stung for \$2,000,000 by the Sesquicentennial Exposition. Could not the gentleman educate the people to differentiate between his proposition and the Sesquicentennial?

Mr. O'CONNOR of Louisiana. There is a marked distinction between ordinary expositions and the one I am inviting your consideration to. Those others are largely millinery establishments for the purpose of entertaining the public with tinsel and finery, papier mâché, and midways embellished with

attractive gardens, walks, fountains, sculpture, and a temporary art gallery. This one is really for the purpose of promoting trade relations. It is an enormous sample room, with competent gentlemen on hand speaking several languages to serve and bring together buyers and sellers. They had with them a Mr. McLeod, who for years was connected with the Department of Commerce. This great institution is similar to the permanent exposition at Leipsic. It is for the purpose of aiding and assisting men who are really expanding the commerce of America. There is no midway there; there is no millinery exhibition, no art gallery, no gardens and walks with appealing sculpture. It is a place where wares are on exhibition and where men—

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of Louisiana. Yes.

Mr. BEGG. Can the gentleman give us some argument why this exhibition should be held in New Orleans and not in Baltimore, New York, Philadelphia, Chicago, St. Louis, Kansas City, or San Francisco?

Mr. O'CONNOR of Louisiana. Yes. Of course I can. It is because the city of New Orleans is located more favorably for the purpose of accomplishing the result intended than any of the cities the gentleman has mentioned. I would say, however, that I would favor an institution of that sort in any city in the United States if I believed about it in the same way as I believed about this exposition in New Orleans, and that is that it will maintain and promote trade relations. That is the position of the Department of Commerce. It holds that it will broaden and expand our commerce. The bill will promote that object more efficiently and more economically than any other thing you can find. The report which accompanies the bill prepared by Dan Reed, of New York, is one of the most comprehensive documents and replete with valuable information. I commend it to the attention of the Members of the House.

The SPEAKER pro tempore. Is there objection?

Mr. BEGG. I object.

The SPEAKER pro tempore. Objection is made. The Clerk will report the next bill.

GRADUATED SPECIAL-HANDLING POSTAGE CHARGES

The next business on the Consent Calendar was the bill (H. R. 13445) to provide for graduated special-handling postage charges, according to the weights of the parcels, and to extend special-delivery service to such parcels of fourth class.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask a question. By placing a 25-cent stamp now on a parcel-post package you get special handling. If you pass this bill you can take a large parcel that weighs up to the maximum limit, and if it does not have special delivery on it you can pay 25 cents and get the same handling on that big, heavy package that you get on a first-class letter.

Mr. LAGUARDIA. Except as to the time.

Mr. BLANTON. You get the same handling.

Mr. LAGUARDIA. But not as to time. It does not go as quickly.

Mr. BLANTON. According to this bill it would. This bill provides that you get the same handling as on a first-class letter.

Mr. KELLY. There will be no change in that particular from the law at the present time. At the present time you can put a 25-cent special-handling stamp on a 70-pound parcel in the first and second zones and have it go with the same expedition as first-class mail.

Mr. BLANTON. It is given special handling, but it is not given the same class of handling that a letter is given.

Mr. KELLY. The gentleman is mistaken entirely. The purpose of the provision in the act of February 28, 1925, was to give fourth-class mail the same handling as first-class mail in return for a 25-cent fee.

Mr. BLANTON. Has the gentleman figured out what this will cost the Treasury?

Mr. KELLY. It will not cost the Treasury anything.

Mr. BLANTON. Will it pay for itself?

Mr. KELLY. It will pay for itself and show a gain for postal revenues as well.

Mr. BEGG. If the gentleman will permit an interruption, the report shows it will return several million dollars into the post-office receipts the first year.

Mr. BLANTON. I have not had time to read the report, but if that is the case I will withdraw my objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That so much of section 207 of Title II of the act of February 28, 1925, Public, No. 506, Sixty-eighth Congress, as refers to special handling is amended to read as follows:

"Whenever, in addition to the postage as otherwise provided, there shall be affixed to any parcel or mail matter of the fourth class the words 'Special handling,' written or printed upon the wrapper, and postage of the values hereinafter stated, such parcel shall receive the same expeditious handling, transportation, and delivery accorded to mail matter of the first class, and in addition shall be specially delivered, namely, for not over 2 pounds, 15 cents; for more than 2 pounds but not more than 10 pounds, 25 cents; for more than 10 pounds, 35 cents: *Provided*, That when the mailer does not desire special delivery the rate for more than 10 pounds shall be 25 cents."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

PRIVATE MAILING OR POST CARDS

The next business on the Consent Calendar was the bill (H. R. 13446) to restore the rate of postage of 1 cent each to private mailing or post cards.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 201, Title II, of the act of February 28, 1925, is amended to read as follows:

"SEC. 201. The rate of postage on private mailing cards described in the act entitled 'An act to amend the postal laws regulating the use of postal cards,' approved May 19, 1898, shall be 1 cent each."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ADDITIONAL CHARGE ON FIRST-CLASS MATTER

The next business on the Consent Calendar was the bill (H. R. 13447) to provide for an additional charge on first-class matter mailed short paid more than one rate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, may I inquire of the author of the bill whether or not the Post Office Department has given a favorable report on this bill?

Mr. KELLY. The Post Office Department has strongly recommended this bill, and so has the special joint subcommittee.

Mr. BLACK of Texas. Mr. Speaker, I withdraw the reservation.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc.,—

SECTION 1. That all mail matter of the first class upon which one full rate of postage has been prepaid shall be forwarded to its destination, charged with the unpaid rate, to be collected on delivery. If the postage is short paid one rate, the additional charge shall be 2 cents, or the deficient postage. If it is short more than one rate, the deficient postage and an additional charge of 1 cent for each ounce or fraction thereof shall be collected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

TRANSMISSION OF BUSINESS REPLY CARDS

The next business on the Consent Calendar was the bill (H. R. 13448) authorizing the transmission of business reply cards in the mails and prescribing the rate of postage thereon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, is the bill sufficiently broad to permit the postmaster to have some supervision over the applications of firms availing themselves of this authority, so that an irresponsible firm can not send out a lot of reply post cards?

Mr. KELLY. It is entirely under the direction of the Post Office Department.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That under such regulations as the Postmaster General may prescribe it shall be lawful to accept for transmission in the mails business reply cards, when presented in the quantity and under the conditions he may establish, postage thereon at the regular rate, together with an additional postage charge of not more than 2 cents on each card, to be collected on delivery: *Provided*, That for the purpose of fixing the compensation and allowances at first, second, and third class offices credit shall be allowed only for the postage collected in addition to the regular rate on business cards delivered at such offices: *Provided further*, That postmasters at offices of the fourth class shall be entitled to include in the amounts upon which their commissions on cancellations are based the amount of postage chargeable at the regular rate on business reply cards mailed at their offices.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

TRANSIENT SECOND-CLASS MAIL MATTER

The next business on the Consent Calendar was the bill (H. R. 13449), to amend section 203 of Title II of the act of February 28, 1925, by prescribing a more equitable rate for transient second-class mail matter.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, does this increase or decrease the present rate on this class of mail?

Mr. KELLY. This cuts the present rate exactly in two.

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, I should like to have the bill reported.

The Clerk read the bill as follows:

Be it enacted, etc., That section 203 of Title II of the act of February 28, 1925 (Public, No. 506, 68th Cong.), is amended to read as follows:—

"SEC. 203. The rate of postage on publications entered as second-class matter, when sent by others than the publisher or news agent, shall be 1 cent for each 2 ounces or fraction thereof."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, I wish the gentleman from Pennsylvania would explain the bill so we will understand what its effect is.

Mr. KELLY. Mr. Speaker, this is a change in the provision carried in the act of February 28, 1925, dealing with transient second-class mail matter. Transient second-class mail matter consists of publications, newspapers, and magazines sent through the mails by others than publishers or news agents. In other words, an individual who desires to send his own copy of a periodical through the mail pays the transient second-class rate. The old rate, before the act of 1925, was 1 cent for each 4 ounces or fraction thereof. That rate was too low. It was a ridiculous rate in view of the publishers' second-class rate for the same service. The committee and Congress, in the act of 1925, made the rate 2 cents for each 2 ounces or fraction thereof up to 8 ounces, and above 8 ounces we fixed the parcel-post rates. The result of that was a tremendous decrease in the mailing of these periodicals, so much so that the estimated increased revenue was found to be entirely erroneous and a loss of revenues ensued. It was believed there would be a gain of about a million dollars from these increased rates, but instead of that there has been a loss of a great many thousands of dollars.

It has been shown that the transient second-class mail has decreased to the extent of 63 per cent of the amount carried before 1925. The rate was made higher than the traffic would bear. It becomes necessary, therefore, for us to formulate a rate which will be attractive to the users of this class, and we have done so in this bill.

We have fixed a rate of 1 cent for 2 ounces or fraction thereof. We have made it a flat rate which applies from Washington to San Francisco just the same as from Washington to Baltimore, and it is felt it will bring back into the mails this volume of mail matter which has been lost, and will probably mean some five or six hundred thousand dollars additional revenue.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. HUDDLESTON. In view of the fact that you have abolished the zone system, will this not permit the remailing

of a periodical for a smaller price than the publisher could mail it for?

Mr. KELLY. No.

Mr. HUDDLESTON. In short, to send a magazine from Washington to San Francisco under this provision will cost 1 cent for each 2 ounces; now, what will it cost if the publisher of that magazine undertakes to send it from Washington to San Francisco?

Mr. KELLY. If the gentleman from Alabama desires to send a magazine weighing 1 pound from Washington to San Francisco, under this provision, it will cost him 8 cents. If the publisher in Washington desires to send that magazine to San Francisco under the present rates, 50 per cent advertising and 50 per cent reading matter, it would cost him 5.75; in other words 5 3/4 cents a pound, by the publisher, while the individual other than a publisher would pay 8 cents.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. KELLY. I yield to the gentleman from New York.

Mr. LaGUARDIA. Will the gentleman make it clear that this class of postage can not be used by dealers. It is for used magazines and is used mostly by organizations that furnish hospitals and similar institutions with reading matter.

Mr. KELLY. This rate has absolutely nothing to do with publishers, second class. It deals only with newspapers, magazines, and other periodicals sent by others than publishers and news agents.

Mr. HUDDLESTON. I would like to ask the gentleman, is the rate remunerative?

Mr. KELLY. The rate will be remunerative to an increased extent of some five or six hundred thousand dollars, according to the estimates of the Post Office Department.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EMPLOYEES' COMPENSATION ACT

The next business on the Consent Calendar was the bill (H. R. 11325) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I reserve the right to object. I think the chairman, who introduced the bill, ought himself to ask to have it passed over. There is not any information in the report showing whether the rates of compensation in the District of Columbia are higher or lower than the average paid by other States just as progressive, and I certainly would not want to agree to increase the rates in the District of Columbia 25 or 27 per cent unless I knew they were lower than the average paid. So I will leave it to the chairman as to whether he wants it passed over; otherwise, I shall object. I will do whichever he prefers.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CLAIMS OF CERTAIN INDIAN TRIBES IN THE STATE OF WASHINGTON

The next business on the Consent Calendar was the bill (H. R. 13492) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. I object, Mr. Speaker.

DETAILING EMPLOYEES OF THE INDIAN FIELD SERVICE TO THE WASHINGTON OFFICE

The next business on the Consent Calendar was the bill (H. R. 13494) to permit detailing of employees of the Indian field service to the Washington office.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Reserving the right to object, I would like to ask what the purpose is. I thought you were reducing the employees in the District of Columbia.

Mr. HUDSON. I do not see the chairman of the committee on the floor, but let me say that this does not change the status nor does it add any employees; it simply authorizes what they are now doing.

Mr. BEGG. It does change the status.

Mr. BLANTON. I object.

REIMPOSITION AND EXTENSION OF TRUST PERIOD

The next business on the Consent Calendar was the bill (H. R. 14250) to authorize reimposition and extension of the trust period on lands for the use and benefit of the Capitan Grande Band of Indians in California.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the period of trust on lands patented to the Capitan Grande Band of Mission Indians in California under authority of the act of January 12, 1891 (26 Stat. L. p. 712), which trust expired March 9, 1924, is hereby reimposed from said date and extended for a period of 10 years: *Provided*, That further extensions may be made in the discretion of the President as provided by the act of March 2, 1917 (39 Stat. L. p. 976).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ADDITIONAL DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The next business on the Consent Calendar was the bill (S. 1642) to provide for the appointment of an additional district judge for the eastern district of Pennsylvania.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

Mr. GRAHAM. Let me say that we have tacitly agreed that I should ask unanimous consent to let the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FEES TO BE CHARGED BY CLERKS OF THE DISTRICT COURTS

The next business on the Consent Calendar was the bill (S. 3444) to amend the act of February 11, 1925, entitled "An act to provide fees to be charged by clerks of the district courts of the United States."

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BEGG. Reserving the right to object, and I am not sure whether I will object, I would like to ask the distinguished chairman of the committee how did he find the amount of \$5 to assess a man when he is charged with crime? Where does the money go?

Mr. GRAHAM. The money goes into the Treasury in pursuance of law.

Mr. BEGG. It does not go to the clerk?

Mr. GRAHAM. No. This is at the request of the Department of Justice to correct a situation that exists now that is objectionable. The fee is required to be paid and it ought not to be paid.

Mr. BEGG. I know nothing about law, but is the gentleman sure that the statement he makes does not apply to another bill?

Mr. GRAHAM. I am.

Mr. BEGG. Why should a man be charged \$5. A man is accused of crime and when he enters a plea of not guilty he is assessed a fee of \$5, not to be collected unless the court assesses the costs against him. It is a little difficult for me to discuss the case, not being a practical lawyer, but I have known of cases where a man was acquitted but compelled to pay the costs.

Mr. GRAHAM. I think I will lift the cloud from the gentleman's mind. It is a very simple matter. The only part of the bill that is changed is this. I read the old law:

That in any criminal case upon the entering of a plea of not guilty by any defendant there shall be charged and taxed in the costs of said case a fee of \$5 for each defendant entering such plea, but the clerk shall not be required to account for any such fee not collected by him.

The only change made by this bill is that it shall not be demanded of the man unless and until by order or judgment or decree of the court the costs in the case are taxed and assessed against him.

Mr. BEGG. That is what the bill says. Let me read the provisions of the Revised Statutes:

And provided further, That in any criminal case upon the entering of a plea of not guilty by any defendant there shall be charged and taxed in the costs of said case a fee of \$5 for each defendant entering such plea, but the clerk shall not be required to account for any such fee not collected by him.

I think some of the lawyers in the House ought to take this up. It strikes me as outlandish.

Mr. LA GUARDIA. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. LA GUARDIA. As a matter of fact, costs are seldom assessed in the Federal courts in criminal actions. Is not that so?

Mr. GRAHAM. Yes.

Mr. BEGG. Then what do they want this in at all for?

Mr. TILSON. As a matter of fact, the provisions respecting the assessment of \$5 are already in the law.

Mr. GRAHAM. Yes.

Mr. TILSON. That is the law now.

Mr. BEGG. Oh, no; it is not.

Mr. TILSON. Let me read what the law is. The law provides that in criminal cases—

upon the entering of a plea of not guilty by any defense there shall be charged and taxed in the costs of such case a fee of \$5 for each defendant entering such plea, but the clerk shall not be required to account for any such fee not collected by him.

That is the law as it stands to-day.

Mr. GRAHAM. The gentleman is quite right.

Mr. COOPER of Wisconsin. The gentleman just read a statement from the law that the clerk shall not be required to account for any fee not paid to him.

Mr. TILSON. That does not add much, in my opinion, to the statute.

Mr. COOPER of Wisconsin. No; but he ought not to have authority to attempt to collect nor to charge in advance against a man who presumptively is innocent and is not convicted.

Mr. TILSON. No.

Mr. COOPER of Wisconsin. Or to have the right to compel payment of costs except where there is a plea of guilty or a conviction. Of course, costs go with the conviction.

Mr. GRAHAM. That is exactly what this act does. It puts it up to the judge, and the clerk can not assess the charge until the judge approves it.

Mr. TILSON. It seems to me that the amendment proposed by the Committee on the Judiciary certainly clarifies it and makes it much better, in my judgment, than it is now.

Mr. BEGG. I do not know about that.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired. Is there objection?

Mr. VINCENT of Michigan. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Michigan objects, and the Clerk will report the next bill.

FEES FOR CERTIFYING TRANSCRIPTS, COURT OF CLAIMS

The next business on the Consent Calendar was the bill (H. R. 13500) to amend section 176 of the Judicial Code.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 176 of the Judicial Code be, and it hereby is, amended to read as follows:

"Sec. 176. There shall be taxed against the losing party in each and every cause pending in the Court of Claims the cost of printing the record in such case, which shall be collected, except when the judgment is against the United States, by the clerk of said court and paid into the Treasury of the United States. For making and certifying a transcript of record requested by a claimant for the purpose of applying to the Supreme Court for a writ of certiorari or other purposes there shall be collected by the clerk of the Court of Claims and paid into the Treasury of the United States the sum of 5 cents per folio of 100 words; but in no case shall the amount so collected be less than \$5."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

POST-OFFICE SITE AT OLYPHANT, PA.

The next business on the Consent Calendar was the bill (H. R. 13481) to authorize the Secretary of the Treasury to accept

title for post-office site at Olyphant, Pa., with mineral reservations.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. That is establishing a bad precedent.

Mr. BEGG. We passed the same kind of a bill exactly for a little city in the district of the gentleman from Pennsylvania [Mr. TEMPLE] at the last session of Congress. This can not be done otherwise.

Mr. BLANTON. That action must not stand as a precedent, for it would be a bad one. I call the gentleman's attention to the fact that if he will go to the city of Breckenridge, in my district, he will see oil derricks all over the city, in the back yards of people, and everywhere. You are buying property for the Government, with individuals reserving the mineral rights, which embrace oil. Suppose they find an oil field in this section. Here are mineral rights preserved to individuals, and they can go in hereafter and sink an oil well on Government property where we will have a Federal building constructed at great expense.

Mr. BEGG. Oh, no.

Mr. LA GUARDIA. The gentleman must not lose sight of the fact that these reservations run with the land, and the only reason legislation is necessary is to permit the Secretary of the Treasury to take title with these reservations. He can not obtain the land otherwise.

Mr. BLANTON. Somebody has reserved the mineral rights in the land? Somebody owns same now.

Mr. LA GUARDIA. Yes. You can not get sites in these coal lands in any other way. The reservation is not merely vested in the present holder of the title, but it runs away back.

Mr. BLANTON. Somebody existing now owns that oil and mineral right?

Mr. LA GUARDIA. Exactly, but not necessarily the present owner.

Mr. BLANTON. You can get a deed from them just the same as from the present owner?

Mr. LA GUARDIA. They will not relinquish their rights.

Mr. BLANTON. They will not unless you pay for it, or persuade them to relinquish.

Mr. LA GUARDIA. The present owner can convey only what he owns, and all he owns is the surface right, the land.

Mr. BLANTON. But the present owner, and the owner of the mineral rights, can convey the land absolutely. Whenever this Government buys a piece of land it ought to own it. There ought not to be any reservations in the deed.

Mr. LA GUARDIA. They can not get any land in any other way.

Mr. BLANTON. They can if they go about it in the right way.

Mr. LA GUARDIA. If you want to pay an exorbitant price for rights the Government never would exercise.

Mr. BLANTON. It is as easy to buy those mineral rights as it is to buy the fee. If the owner of such mineral rights does not expect to exercise same in the future he ought to be willing to release same.

Mr. LA GUARDIA. For an exorbitant price.

Mr. BLANTON. No; but in consideration of getting a Federal building. We do not want to buy a lot and put a post office upon it and then have somebody come in and sink an oil well in the back yard of the post office on Government land.

Mr. LA GUARDIA. They can not do that.

Mr. BLANTON. I know what they can do. I have seen them doing it. They have drilled oil wells in back yards in the city of Breckenridge, and other cities that I know of, where they have derricks all over the city, and within two blocks of the city center. It is being done all of the time. This bill proposes a bad precedent.

Mr. WATRES. I am sure if the gentleman from Texas understood the situation he would not object. In the first place, it is not establishing a precedent. In the coal fields this has been done repeatedly. So far as any oil field being discovered is concerned, it is out of the question.

Mr. BLANTON. Whenever you find coal you have a prospect of finding oil somewhere in that vicinity.

Mr. WATRES. It may be in a bituminous field but not in an anthracite. This is a town of 10,000 people in the anthracite field. The owner of the surface does not have a mineral right.

Mr. BLANTON. Somebody else has it and he ought to release it if he wants the Government to buy and build on the land.

Mr. WATRES. The serious objection prevails that it would mean the town of Olyphant would not be able to have a post-office building.

Mr. BLANTON. You can buy or otherwise secure the mineral right. There ought to be public spirit enough in that town that would cause its officials to go to the owner of the mineral right and buy it or have him release same. That is what the people in any city in my State would do; they will buy a lot absolutely free from mineral rights and everything else and give it to the Government if it will grant them a post-office building.

Mr. WATRES. The Treasury Department has carefully considered the matter. It is the subject of a special letter from the Secretary of the Treasury to the Speaker of the House requesting that the bill be put upon the Consent Calendar. It has also been considered carefully by the Committee on Public Buildings and Grounds.

Mr. BLANTON. I think the Government ought to have an absolute title, and that it should not buy and build upon property with all sorts of strings tied to it.

Mr. WATRES. It would be desirable, I agree, but the gentleman should understand as a practical matter it makes the post-office building impossible there.

Mr. BLANTON. Let me submit this to my friend: If the owner of the mineral right never intends to put a mine there under his reservation and nobody intends to sink an oil well he should be willing to release his mineral rights to the Government.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BLANTON. I object. This is a bad bill and should not pass.

PAY CLAIMS OF ARMY OFFICERS

The next business in order on the Consent Calendar was the bill (S. 1857) to confer jurisdiction on the Court of Claims to certify certain findings of fact and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I object.

LOAN OF COTS

The next business in order on the Consent Calendar was the joint resolution (H. J. Res. 298) authorizing the Secretary of War to lend 700 cots and 700 blankets for the use of the North Carolina Department of the American Legion at its annual convention at Washington, N. C., in August, 1927.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection of the present consideration of this joint resolution? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to lend, at its discretion, to the Beaufort County Post of the American Legion, of Washington, N. C., for use in connection with the annual convention of the North Carolina Department of the American Legion to be held at Washington, N. C., in August, 1927, 700 cots and 700 blankets: *Provided*, That no expense shall be caused the United States by the delivery and return of said property, the same to be delivered at such time prior to the holding of said convention as may be agreed upon by the Secretary of War and W. F. Giles, post commander: *Provided further*, That the Secretary of War, before delivering said property, shall take from said W. F. Giles a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The joint resolution was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

The SPEAKER pro tempore. That concludes the Consent Calendar.

TO ENLARGE AND RELOCATE THE UNITED STATES BOTANIC GARDEN

Mr. LUCE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4153).

The SPEAKER pro tempore. The present occupant of the chair understands that Speaker LONGWORTH had agreed to recognize the gentleman. Is a second demanded?

Mr. BLACK of Texas. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. It is evident there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 4]

Anthony	Fish	Little	Spearing
Arentz	Fisher	McLaughlin, Mich.	Sproul, Kans.
Bailey	Fitzgerald, Roy G.	McLaughlin, Nebr.	Stalker
Barkley	Fort	McLeod	Stegall
Beck	Frear	McSwain	Stedman
Beedy	Fredericks	Madden	Stephens
Bell	Furlow	Martin, Mass.	Stevenson
Berger	Gallivan	Mead	Stobbs
Bixler	Gambrill	Mills	Strong, Kans.
Bloom	Garber	Montague	Sullivan
Bowling	Garner, Tex.	Montgomery	Swartz
Boylan	Garrett, Tex.	Mooney	Sweet
Brand, Ohio	Glynn	Moore, Va.	Swoope
Brumm	Golder	Morin	Taylor, Colo.
Cannon	Goldsborough	Nelson, Wis.	Taylor, N. J.
Carter, Calif.	Gorman	Newton, Minn.	Taylor, W. Va.
Carter, Okla.	Griffin	Newton, Mo.	Temple
Celler	Hadley	O'Connell, R. I.	Thompson
Chapman	Hale	O'Connor, Ia.	Tillman
Christopherson	Hall, Ind.	O'Connor, N. Y.	Tincher
Clague	Hardy	Oliver, N. Y.	Tinkham
Clary	Harrison	Patterson	Tolley
Colton	Holaday	Peavey	Tydings
Connerly	Hudspeth	Perlman	Upshaw
Connolly, Pa.	Hull, William E.	Pou	Valle
Cooper, Ohio	Jacobstein	Pratt	Vinson, Ky.
Corning	Jeffers	Purnell	Voigt
Crisp	Johnson, Ky.	Quayle	Warren
Crosser	Keller	Ransley	Weaver
Cullen	Kerr	Reed, Ark.	Weller
Curry	Kiefner	Reid, Ill.	Welch, Calif.
Darrow	Kindred	Robinson, Iowa	Welsh, Pa.
Dempsey	Kirk	Robison, Ky.	White, Me.
Doyle	Kvale	Rouse	Williams, Ill.
Drane	Lampert	Sears, Fla.	Wilson, Miss.
Eaton	Lee, Ga.	Shallenberger	Wolverton
Edwards	Lehbach	Shreve	Woodyard
Elliott	Lindsay	Sinnot	Wright
Fairchild	Linthicum	Somers, N. Y.	Yates

The SPEAKER. Two hundred and seventy-six Members have answered to their names—a quorum. Without objection, further proceedings under the call will be dispensed with.

There was no objection.

The SPEAKER. Is a second demanded?

Mr. GILBERT. I demand a second.

Mr. LUCE. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 4153) to provide for enlarging and relocating the United States Botanic Garden, and for other purposes

Be it enacted, etc., That for the purpose of enlarging and relocating the United States Botanic Garden, the Joint Committee on the Library is authorized and directed—

(1) To acquire on behalf of the United States, by purchase, condemnation, or otherwise, in accordance with the provisions of section 3 of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes," approved August 30, 1890, as amended, all of the privately owned land, buildings, and other structures, in square No. 576 and square No. 578, in the District of Columbia, as such squares appear on the records in the office of the surveyor of the District of Columbia as of the date of the passage of this act. Upon the acquisition of such land, buildings, and structures, all of the land contained in square No. 576 and square No. 578 shall become a part of the United States Botanic Garden and shall be under the jurisdiction and control of the Joint Committee on the Library.

(2) To provide for the removal of such buildings and other structures now located upon the squares specified in paragraph (1) as it deems necessary.

(3) To provide for the removal of the Bartholdi Fountain and its basin and equipment from its present site and the reerection of the same upon a suitable location upon one of the squares specified in paragraph (1).

(4) To investigate the cost of the construction of new conservatories and other necessary buildings for the United States Botanic Garden, to procure preliminary plans and estimates by contract or otherwise for such conservatories and buildings, and to report thereon to Congress before the end of the second regular session of the Sixty-ninth Congress. In making such investigation and report the Joint Committee on the Library is hereby authorized to procure advice and assistance from any existing governmental agency, including the services of engineers, surveyors, draftsmen, architects, and other technical personnel in the executive departments and independent establishments of the Government. For the purpose of this paragraph the unexpended balance of the appropriations made pursuant to the authority contained in Public Resolution No. 42, approved January 7, 1925, is hereby made available.

Sec. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$820,000, or so much thereof as may be necessary, to enable the Joint Committee on the Library to carry out the provisions of paragraphs (1), (2), and (3) of section 1 of this act.

The SPEAKER. The Chair would inquire if the gentleman from Kentucky is in favor of the bill?

Mr. GILBERT. I am in favor of the bill.

The SPEAKER. The gentleman from Massachusetts is entitled to 20 minutes, and the gentleman from Kentucky to 20 minutes.

Mr. LUCE. Mr. Speaker, this bill contemplates the purchase of two squares immediately west and southwest of the Capitol grounds and across the street from the present location of the conservatories of the Botanic Garden.

To identify these squares in your minds I will say that one of them is the square that contains the church, the bakery, and the filling station. The other one is the square immediately at the south, across B Street, which you will remember has in it a schoolhouse and a monumental works. The purpose of this purchase is to transfer to these squares the Botanic Garden, so called, as far as that name describes the structures of the garden.

Let me repeat: The two squares in contemplation of purchase here are those immediately west and southwest of the southwest corner of the Capitol grounds, one containing the bakery, filling station, and church, and the other a schoolhouse, monumental works, and some private dwellings. The purchase of the first named of these squares, that containing the church, filling station, and bakery, is already in the contemplation of those who are framing the public buildings bill. It being understood that there is a general agreement that the triangle on either side of the Botanic Garden ought to be taken in with the purchase of the big triangle, it had been thought at first that there would be no occasion to press the bill that I am presenting to you, but when we noticed that the public buildings program would not provide for the purchase of the second square, it seemed advisable to ask the House to pass judgment upon the bill that has passed the Senate and been reported to you favorably by the Committee on the Library.

The amount contemplated for the purchase is \$800,000 or thereabouts. But in order that this may not prejudice the case by its mere amount I would call your attention to the fact that the square and buildings which in all probability will be bought anyhow will take perhaps \$630,000; so that the real issue to-day in the matter of money is whether there shall also be expended \$170,000 or so for the purchase of the other square.

The reasons for recommending this purchase are that there is a practically unanimous agreement now, although a few years ago there was a division of opinion; but to-day there is practically a unanimous agreement that the buildings of the Botanic Garden ought to be removed from their present location and that the general plan of the garden ought to be speedily changed to make it possible to complete the Meade Memorial and the landscape engineering connected therewith.

Also I fancy that every Member of the House has shared my own regret that now for so many years the Grant Memorial has been shabbily treated. Its surroundings are undignified and altogether unworthy the object of the memorial and the dignity of the Nation itself. For these two reasons, if for no others, the conservatories ought to be removed.

Mr. LANHAM. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. LANHAM. Is it not a fact also that the principal building down there, constructed, as I recall, in 1860, is unsafe, and that people are not admitted to it except at their own risk to view the collections there, and is it not a further fact that for the purpose of repairing it Congress heretofore made provision, and the workmen reported that the building was in such a condition that it could not be rebuilt?

Mr. LUCE. The gentleman has anticipated my next sentence, but I thank him for helping me to emphasize the situation. The fact that the main building is likely to fall down at any moment and cause injury, if not death, to anybody that might be under the glass shows that the building must be replaced. It is no longer safe for it to stand.

Now put a peg right in there, and remember that we are all practically agreed that the structures of the garden ought to be removed. A difference of opinion may arise as to where they ought to be taken. That point has been in issue for many, many years. Again and again the House has discussed the question as to where the Botanic Garden ought to be put.

In the judgment of your committee the House has shown itself desirous of keeping the conservatories close to the Capitol, not only for the pleasure of its own Members but also for the delectation of visitors and in order that the garden may add to the beauty of Capitol Square and its surroundings. Starting from that assumption—and I want it made very clear that it was an assumption—starting therefrom, your committee proceeded in an orderly fashion to get expert advice; and two years ago Congress authorized the expenditure of \$5,000 to employ the best man in the country whom we could find to advise us where to put the Botanic Garden. Our adviser was Mr. William E. Parsons, of Chicago, who has obtained eminence in his profession and who was recommended to us by gentlemen who knew those from whom we could choose.

Mr. Parsons came here, started with the assumption that the House desires the Garden to be close to the Capitol, made a thorough study of the situation, and recommended the purchase of these two squares. One of them is close to and across a narrow and short street from the present greenhouses of the garden. The third of the three that will hereafter comprise the garden, if this project goes through, will complete the triangle made by Maryland Avenue, by First Street, and by Canal Street. The idea is to erect the conservatories approximately where the filling station is now located, and to use the lot across the street for a fountain, for shrubbery, and for ornamental horticulture of every variety.

While it is true that this area will not furnish sufficient ground for a genuine botanic garden, it will suffice for the purposes that the present Botanic Garden meets. It is vain to argue that this garden accomplishes any scientific purpose whatever. It is simply the conservatory of Congress, maintained for the purpose of adding not alone to the pleasure of Members of the House and Senate but also to that of visitors to the Capitol. Elegant conservatories are supposed to be the proper adjunct of any estate of consequence. As to the furnishing of flowers, it may be pointed out as popularly understood that the President and the White House—which nobody will begrudge—are supplied from what are frequently called the President's conservatories, on the other side of the Bureau of Engraving and Printing. The report is that members of the Cabinet are likewise served from the conservatories of the Agricultural Department on the north side of The Mall. If the practice of many years may be taken as justifying a procedure of this sort Congress is entitled to the same additions to the pleasures of life.

Although, then, we may be justified in maintaining our own conservatories for such purposes, we may dismiss from our minds the possibility of the scientific utilization thereof, because if that were to be achieved these conservatories ought to be put under the Department of Agriculture and ought to be placed in surroundings where a large area will be available.

In Rio de Janeiro the botanic garden has 2,000 acres at command; that in New York has 400 acres at command; that at St. Louis has 125 acres. Averaging the acreage of 27 of the great botanic gardens of the world—but omitting therefrom Rio de Janeiro as confusing—I find they have an average acreage of 125 acres. It would be idle, I think, for us to conceive of a botanic garden for scientific purposes without the provision of well over 100 acres. That, of course, is out of the question under the conditions in the heart of a great city. It is possible, however, that this garden may be extended to the south until it reaches the river. Four years ago we put at the command of the Botanic Garden several blocks along the old canal, on either side of its bed, and in time that whole stretch from Canal Street to the river ought to be made into a second Mall, a parkway, a garden, or whatever you please to call it. Now it is a desert, dreary, uninviting, and in altogether disreputable condition. It ought not long to be permitted to grieve the man who ventures on a somewhat uncertain pilgrimage from here to the edge of the water. This all can be developed into a beautiful park, of which the two squares we now contemplate buying would be an approach. What will be a parkway in the center of Canal Street is already under Government control. The old stables there ought speedily to be removed. In this way we shall presently have a beautiful stretch of, I should say, half or three-quarters of a mile long extending from the Capitol Grounds to the War College. Therefore if you authorize this appropriation, you will look upon it as a start in adding to the beauties of Washington as well as an increase in the opportunity to perform the present functions of the Botanic Garden.

I should regret very much if at any time in the future I could be said to have urged this upon the House without a clear and frank statement of the situation. I desire that you

shall act with your eyes open, and therefore I would tell you that 20 years ago—to be exact, in 1908—the Committee on Agriculture investigated this situation and advised that the Botanic Garden be turned over to the Department of Agriculture. In its report it said this—

The annual cost of this institution has reached the respectable sum of about \$15,000 and seems altogether out of proportion, in the opinion of your committee, to the benefits derived.

Twenty years ago \$15,000, a respectable sum, was thought by a committee of the House to be altogether out of proportion to the benefits derived. Last year the appropriation for the Botanic Garden was \$124,844 and this year the estimates of the Budget are \$144,307, almost ten times the "respectable sum" that 20 years ago was thought out of proportion to the benefits derived.

I do not conceive it to be my duty to go further now than to lay those figures before you.

The Committee on the Library is not so solicitous as to what you shall decide as it is that you shall decide something. If I may revert to the vernacular, we think it is time either to fish or cut bait. We think it is time either to complete the beautiful square in front of the Capitol by permitting the finishing of the Meade Memorial and a suitable layout around the Grant Memorial or else to know definitely that the House does not desire action to be taken in the premises.

Let me summarize. Believing that the House desires these conservatories to stay in the neighborhood where they are; acting on expert advice that in such case this is the best location; and contemplating perhaps \$170,000 more of expenditure than is likely to be made anyhow under the public-buildings program, your committee advises this purchase. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. BLACK of Texas. Mr. Chairman, I am opposed to this bill. The Botanic Garden has been at its present location, as I understand it, for about 105 years.

It is now proposed to move it and relocate it on ground owned by private individuals and on which extensive improvements already exist. These improvements will, of course, all have to be wrecked at great expense, and after they are torn away there will not be a foot of land fit to grow a flower or a shrub. The gentleman from Massachusetts [Mr. LUCE] says that we need to move the Botanic Garden. Well, if we do, let us use the common sense to move it to some ground where we can at least grow a flower or a shrub. We will have nothing on this location after the improvements are torn away but brick and mortar, and the Government will have to haul every foot of soil and put it upon the new location if there is ever any botanic garden there.

Mr. Harold E. Doyle, a real-estate man selected by the Committee on the Library to make an estimate of how much money will be required to purchase the new site, estimates that \$800,000 will be required. Then will come the cost of demolishing the buildings now on the site and hauling the soil which will be necessary before anything in the way of a flower or shrub can be grown. I think it is safe to figure this will cost at least \$300,000 more, and therefore I say that before a single shrub or flower is planted on the new site the Government will have expended an outlay of more than \$1,000,000.

The committee in its report cites some elaborate reasons as to why the new site should be acquired. These reasons I do not think are convincing. One of them is that the location of the Meade Monument in the present Botanic Garden makes necessary the relocation of the Bartholdi fountain. I will admit it.

I do not know who is responsible for locating the Meade Monument in the Botanic Garden. But that mistake has been made, but it should not furnish any reason why we should spend a million or two of the people's money in hunting out a new location for the Botanic Garden.

An excellent site for the relocation of the Bartholdi Fountain can be found in the northeast corner of the present gardens without the expenditure of a single cent.

It is also argued that a new conservatory is needed, and the present one is dilapidated and can not be successfully repaired. My friend the gentleman from Texas [Mr. LANHAM] in his questions to Mr. LUCE stressed that point. I admit this; but I see no reason why the present old structure can not be torn down and a new one erected in its place on the same ground without purchasing nearly a million dollars' worth of new ground at the taxpayers' expense. So far as I am concerned, I am perfectly willing to vote for an appropriation which will furnish the required amount of money to construct the new building on its present site, but I am not willing to spend a penny for new ground.

In addition to these reasons which I have already given against this bill and which I think are perfectly good, there is also the reason that the passage of the bill is advocated in the editorial columns of the esteemed Washington Post. The Post is a great paper, so far as news is concerned, but if that paper ever advocated anything in its editorial columns which was in the interest of the masses of the people, it was in a moment of forgetfulness. It certainly had no intention of doing so. [Laughter and applause.]

I have long since learned that it is almost invariably safe to get on the opposite side from what it advocates.

At any time I find myself in accord with its views, I am compelled to study the question anew in order to find out what has led me astray. [Laughter and applause.]

The editorial to which I have referred appeared in the Post yesterday and is headed "The Botanic Garden." In the same issue is another editorial, "The dividend and the tariff," in which it seeks to justify the unconscionable and outrageous profits which the United States Steel Corporation has wrung from the pockets of the American people, and then argues that these enormous dividends should not be used as an occasion to give the people any relief from the "robber" tariff. Holding this point of view, no wonder it was one of the very first papers to rush in and justify the jury in turning Fall and Doheny loose and to urge the people to accept it as an act of justice. Of course, we will have to accept it, but not without a feeling of criticism for the jury which rendered the verdict and a still greater feeling of criticism for some of the Cabinet officers who scared up a Japanese war scare, to the great aid of the defense. [Applause.]

Regardless of what may be the result of the vote on this bill, its consideration has at least afforded me the opportunity of expressing my opinion of the editorial columns of the Washington Post. If you gentlemen want to spend a million or two dollars of the people's money in providing a new location for the Botanic Garden, the responsibility is up to you. I shall feel that I have done my duty when I have expressed my emphatic opposition. [Applause.]

Mr. HUDDLESTON. Will the gentleman yield?

Mr. BLACK of Texas. I yield.

Mr. HUDDLESTON. Why not carry this Botanic Garden to the country, where people may grow things, instead of trying to run it in a city?

Mr. BLACK of Texas. If it is to be moved, it ought to be moved to a site where soil is available to grow plants and flowers.

Mr. HUDDLESTON. Will the gentleman not tell us also what is the benefit of the Botanic Garden? How do the people of the country at large derive any advantage from it? Where do they get value for the \$140,000 a year that it costs them?

Mr. BLACK of Texas. I do not think the people of the country generally get much benefit out of it. However, it is an established institution, and if it is to be continued, I want it to stay in its present location or be moved to one that would be more suitable. Certainly not to a site covered by brick and stone buildings and which must be purchased at very large expense.

Mr. HUDDLESTON. Just what benefit do the people get from the Botanic Garden?

Mr. BLACK of Texas. As I say, I do not think the people of the country generally get any notable benefit.

Mr. HUDDLESTON. The Botanic Garden distributes through each Member, I believe, some 70 to 80 shrubs and plants a year. What I am able to get for my constituents are little twigs about as long as your finger and are not worth sending out. We have stopped the sending out of seeds. The cry was that that was a congressional graft. If it was a congressional graft, this is just as much graft. The seeds were of much more benefit to the people. Why not stop this pretended plant distribution? Is it not a fact, may I ask the gentleman from Texas, that certain powerful and influential persons in connection with the Government and otherwise get benefits from the Botanic Garden in the way of favoritism, in the form of flowers and shrubs with which they adorn their homes and the parties which they give? Is not that a fact?

Mr. BLACK of Texas. I have no definite information on that point.

Mr. BLANTON. Will the gentleman yield?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. BLANTON. No one who has robbed the Government of the United States ought to be tried by a Washington jury, because they are so used to getting just what they want out of the Federal Treasury that they are not the kind of men to try robbers of the People's Treasury.

Mr. BLACK of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. ROMJUE. Will the gentleman yield to me for a question?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. ROMJUE. I am in accord with what the gentleman has said, but I want to call his attention to page 3, section 2, where there is an appropriation of \$820,000. In the preceding section, on page 3, this language appears:

For the purpose of this paragraph the unexpended balance of the appropriation made pursuant to authority contained in Public Resolution No. 42, etc., is made available.

How much is that unexpended balance?

Mr. BLACK of Texas. I am sorry I can not answer the inquiry. I do not have Public Resolution No. 42 at hand. This matter has come up hurriedly, and I have not had time to get it.

Mr. LOZIER. Will the gentleman yield for a question?

Mr. BLACK of Texas. Yes.

Mr. LOZIER. Is it not true that the Washington Post at one time in a lucid moment attempted to buy respectability by employing George W. Harvey, and for a few months lived in the atmosphere of dignity and decency, but a course of respectability was so foreign to the policy of the Post that it dispensed with Mr. Harvey's services in a few months?

Mr. BLACK of Texas. My reply is that I think I have already rather clearly expressed my opinion about the editorial columns of the Post. On that point I have nothing more to say.

I reserve the balance of my time, Mr. Speaker.

Mr. LUCE. Mr. Speaker, I yield five minutes of my time to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Speaker, as the ranking member of the minority on the committee suggesting this legislation I feel it incumbent on me to give at least the Democratic Members of the House the reasons which actuate me in indorsing this proposition. As far as I am concerned, I am not interested in the Washington Post nor its editorials. I neither let it trend me toward propositions to which I am opposed or drive me from a thing I think is right.

My reasons are more general than specific. Perhaps it is due to my country influence and environment that I look upon a tree as grander than a monument of stone, and a flower as more beautiful than a work of art. Those who have had much in the past to do with beautifying the District, perhaps influenced by the fact that it was new and in a wonderful natural environment of beauty have emphasized their efforts in stone rather than in plants and flowers.

The gentleman wanted to know what good comes of it. Everything in this world and in this life is not measured by money. If it is the amount of money we get out of it, perhaps nothing, but you get the same good out of it that you would in looking at a great picture or anything else that inspires you to look beyond the mere dollar.

Every capital in the old country comparable with the United States has gardens of this kind, many times more expensive than ours. I think some confusion is caused by the statement of the removal of the Botanic Garden. That is what I am opposed to. That is a removal in the sense of taking it from its present general location. If we do not pass legislation similar to this and it eventually comes into the hands of the Department of Agriculture, then the suggestion of the gentleman from Texas [Mr. BLACK] will be carried out. It will be taken far from the city where they can find soil and cheap ground, and it will also be taken far beyond those who come here to see it. [Applause.]

The SPEAKER. The time of the gentleman from Kentucky has expired.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts to suspend the rules and pass the bill.

Mr. LUCE. Mr. Speaker, I ask unanimous consent that the bill be amended on page 2, line 23. When the bill was drawn last year it was expected that we could get the plans and specifications before the conclusion of this Congress. Manifestly we can not do that in two months, and therefore I ask unanimous consent that the Sixty-ninth Congress be changed to the Seventieth Congress.

Mr. JONES. Reserving the right to object, I would like to ask the gentleman a question. Some of us would not mind voting to let them have more ground if they did not move the garden. Has the committee considered the proposition of keeping the garden where it is and getting additional ground?

Mr. LUCE. As far as I can ascertain, the general opinion seemed to be nearly unanimous that we had better get outside of the present location and across the street.

Mr. JONES. The committee did consider that.

Mr. LUCE. Certainly.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts to amend the bill by inserting the Seventieth Congress instead of the Sixty-ninth?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts to suspend the rules and pass the bill.

The question was taken, when Mr. BLACK of Texas made the point that there was no quorum present.

The SPEAKER. The gentleman from Texas makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and eighty Members present; not a quorum.

The doors were closed, the Sergeant at Arms was directed to bring in absent Members, and the Clerk called the roll; and there were—yeas 221, nays 55, not voting 157, as follows:

[Roll No. 5]

YEAS—221

Abernethy	Dickinson, Iowa	Kahn	Rayburn
Ackerman	Dickinson, Mo.	Kearns	Reed, N. Y.
Adkins	Dominick	Kelly	Robison, Ky.
Allen	Doughton	Kendall	Rogers
Appleby	Douglass	Ketcham	Rowbottom
Arnold	Dowell	Kiess	Ruby
Aswell	Drane	Kindred	Rutherford
Auf der Heide	Drewry	King	Sanders, N. Y.
Bacharach	Dyer	Kopp	Sandlin
Bacon	Elliott	Kunz	Schneider
Bankhead	Ellis	Kurtz	Sears, Fla.
Barbour	Englebright	LaGuardia	Seger
Barkley	Esterly	Lanham	Shallenberger
Beers	Evans	Larsen	Smith
Begg	Fenn	Lazaro	Smithwick
Black, N. Y.	Fitzgerald, Roy G.	Leatherwood	Snell
Bland	Fitzgerald, W. T.	Leavitt	Sosnowski
Blanton	Fletcher	Leibach	Speaks
Bloom	Fort	Letts	Sprout, Ill.
Boies	Foss	Linthicum	Strong, Kans.
Bowles	Free	Luce	Strong, Pa.
Bowman	French	Lyon	Strother
Brand, Ga.	Frothingham	McDuffie	Sweet
Brigham	Gardner, Ind.	McFadden	Swing
Browne	Garrett, Tenn.	McKeown	Thatcher
Buchanan	Garrett, Tex.	McLeod	Thurston
Bulwinkle	Gasque	McMillan	Tillman
Burdick	Gibson	McReynolds	Tilson
Burtness	Gilbert	McSweeney	Timberlake
Burton	Goodwin	MacGregor	Treadway
Butler	Graham	Magee, N. Y.	Tucker
Byrns	Green, Iowa	Magrady	Underhill
Canfield	Greenwood	Major	Underwood
Carew	Griest	Manlove	Updike
Carpenter	Hadley	Mansfield	Vincent, Mich.
Carss	Hall, N. Dak.	Martin, La.	Vinson, Ga.
Carter, Calif.	Hammer	Merritt	Wainwright
Chalmers	Haugen	Michaelson	Walters
Chindblom	Hawley	Michener	Wason
Christopherson	Hayden	Moore, Ohio	Watres
Clague	Hersey	Morrow	Watson
Cochran	Hickey	Murphy	Welch, Calif.
Cole	Hill, Md.	Nelson, Me.	White, Kans.
Collins	Hoch	Nelson, Mo.	White, Me.
Colton	Hogg	Nelson, Wis.	Whitehead
Cooper, Ohio	Hoopar	Newton, Minn.	Williams, Ill.
Cooper, Wis.	Houston	Norton	Williamson
Coyle	Hudson	O'Connor, La.	Wilson, La.
Cramton	Hull, Tenn.	Oldfield	Wingo
Crowther	Hull, Morton D.	Oliver, Ala.	Wolverton
Crumpacker	Hull, William E.	Parker	Wood
Dallinger	Irwin	Perkins	Wurzbach
Davenport	Jenkins	Prall	Wyant
Davey	Johnson, Ill.	Purnell	
Davis	Johnson, Ind.	Ramseyer	
Denison	Johnson, S. Dak.	Rathbone	

NAYS—55

Allgood	Green, Fla.	Lozier	Romjue
Almon	Hare	McClintic	Sanders, Tex.
Andresen	Hastings	McSwain	Schafer
Bachmann	Hill, Ala.	Mapes	Simmons
Black, Tex.	Hill, Wash.	Miller	Sinclair
Box	Howard	Milligan	Summers, Wash.
Briggs	Huddleston	Moore, Ky.	Swank
Browning	James	Morehead	Thomas
Busby	Johnson, Tex.	Parks	Wefald
Collier	Jones	Quin	Whittington
Crisp	Kemp	Ragon	Williams, Tex.
Driver	Knutson	Raney	Woodrum
Eslick	Lankford	Rankin	Wright
Funk	Lowrey	Reece	

NOT VOTING—157

Aldrich	Carter, Okla.	Edwards	Gorman
Andrew	Celler	Fairchild	Griffin
Anthony	Chapman	Faust	Hale
Arentz	Cleary	Fish	Hall, Ind.
Ayres	Connally, Tex.	Fisher	Hardy
Bailey	Connery	Frear	Harrison
Beck	Connolly, Pa.	Fredericks	Holaday
Beedy	Corning	Freeman	Hudspeth
Bell	Cox	Fulmer	Jacobstein
Berger	Crosser	Furlow	Jeffers
Bixler	Cullen	Gallivan	Johnson, Ky.
Bowling	Curry	Gambrell	Johnson, Wash.
Boylan	Darrow	Garber	Keller
Brand, Ohio	Deal	Garner, Tex.	Kerr
Britten	Dempsey	Gifford	Kiefner
Brumm	Dickstein	Glynn	Kincheloe
Campbell	Doyle	Goldner	Kirk
Cannon	Eaton	Goldsborough	Kvale

Lampert	O'Connell, R. I.	Somers, N. Y.	Tolley
Lea, Calif.	O'Connor, N. Y.	Spearing	Tydings
Lee, Ga.	Oliver, N. Y.	Sproul, Kans.	Upshaw
Lindsay	Patterson	Stalker	Vaile
Lineberger	Peavey	Steagall	Vare
Little	Peery	Stedman	Vestal
McLaughlin, Mich.	Perlman	Stephens	Vinson, Ky.
McLaughlin, Nebr.	Phillips	Stevenson	Voigt
Madden	Porter	Stobbs	Warren
Magee, Pa.	Pou	Sullivan	Weaver
Martin, Mass.	Pratt	Sumners, Tex.	Weller
Mead	Quayle	Swartz	Welsh, Pa.
Menges	Ransley	Swoope	Wheeler
Mills	Reed, Ark.	Taber	Wilson, Miss.
Montague	Reid, Ill.	Taylor, Colo.	Winter
Montgomery	Robinson, Iowa	Taylor, N. J.	Woodruff
Mooney	Rouse	Taylor, Tenn.	Woodyard
Moore, Va.	Sabath	Taylor, W. Va.	Yates
Morgan	Scott	Temple	Zihlman
Morin	Sears, Nebr.	Thompson	
Newton, Mo.	Shreve	Tincher	
O'Connell, N. Y.	Sinnott	Tinkham	

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:
Until further notice:

Mr. Madden with Mr. Pou.
Mr. Darrow with Mr. Garner of Texas.
Mr. McLaughlin of Michigan with Mr. Fisher.
Mr. Faust with Mr. Deal.
Mr. Mills with Mr. Montague.
Mr. Newton of Missouri with Mr. Corning.
Mr. Bixler with Mr. Bell.
Mr. Anthony with Mr. Hudspeth.
Mr. Porter with Mr. Johnson of Kentucky.
Mr. Ransley with Mr. Lee of Georgia.
Mr. Sinnott with Mr. Mead.
Mr. Temple with Mr. Crosser.
Mr. Vare with Mr. Lindsay.
Mr. Thompson with Mr. Moore of Virginia.
Mr. Zihlman with Mr. O'Connell of New York.
Mr. Yates with Mr. Peery.
Mr. Reid of Illinois with Mr. Rouse.
Mr. Lampert with Mr. Steadman.
Mr. Hall of Indiana with Mr. Tydings.
Mr. Bailey with Mr. Warren.
Mr. Connolly of Pennsylvania with Mr. Spearing.
Mr. Furlow with Mr. Taylor of West Virginia.
Mr. Patterson with Mr. Doyle.
Mr. Morin with Mr. Ayres.
Mr. Kiefner with Mr. Griffin.
Mr. Martin of Massachusetts with Mr. Carter of Oklahoma.
Mr. Johnson of Washington with Mr. Mooney.
Mr. Britten with Mr. O'Connell of Rhode Island.
Mr. Golder with Mr. Stevenson.
Mr. Aldrich with Mr. Weaver.
Mr. Magee of Pennsylvania with Mr. Sullivan.
Mr. Dempsey with Mr. Oliver of New York.
Mr. Fredericks with Mr. Gallivan.
Mr. Gifford with Mr. Quayle.
Mr. Freeman with Mr. Chapman.
Mr. Hardy with Mr. Bowling.
Mr. Arentz with Mr. Harrison.
Mr. Brand of Ohio with Mr. Connally of Texas.
Mr. Curry with Mr. Kincheloe.
Mr. Welsh of Pennsylvania with Mr. Boylan.
Mr. Pratt with Mr. Jeffers.
Mr. Scott with Mr. Little.
Mr. Winter with Mr. Cullen.
Mr. Stalker with Mr. Kerr.
Mr. Taber with Mr. Celler.
Mr. Tinkham with Mr. Edwards.
Mr. Stobbs with Mr. Gambrell.
Mr. Fairchild with Mr. O'Connor of New York.
Mr. Stephens with Mr. Goldsborough.
Mr. Eaton with Mr. Upshaw.
Mr. Beedy with Mr. Steagall.
Mr. Glynn with Mr. Weller.
Mr. Morgan with Mr. Lea of California.
Mr. Fish with Mr. Cox.
Mr. Brumm with Mr. Reed of Arkansas.
Mr. Holaday with Mr. Jacobstein.
Mr. Keller with Mr. Cleary.
Mr. Hale with Mr. Sabath.
Mr. Swartz with Mr. Vinson of Kentucky.
Mr. Taylor of Tennessee with Mr. Somers of New York.
Mr. Vestal with Mr. Taylor of Colorado.
Mr. Woodruff with Mr. Sumners of Texas.
Mr. Taylor of New Jersey with Mr. Kvale.
Mr. Valle with Mr. Cannon.
Mr. Wheeler with Mr. Dickstein.
Mr. Tolley with Mr. Fulmer.
Mr. Menges with Mr. Connery.
Mr. Gorman with Mr. Berger.

The result of the vote was announced as above recorded.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. TILSON. Mr. Speaker, in order to be certain that we have time in which to finish the agricultural appropriation bill, I ask unanimous consent that Calendar Wednesday business for next Wednesday be set aside.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that Calendar Wednesday business for next Wednesday be set aside. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I should like to have a further understanding, a gentleman's agreement we sometimes call it,

that in case the Department of Agriculture appropriation bill should be finished to-morrow the session on Wednesday will be only merely a formal one.

Mr. GARRETT of Tennessee. Mr. Speaker, I think an announcement upon the part of the gentleman from Connecticut that if the agricultural bill be finished to-morrow he will move to adjourn after the reading of the Journal and the disposition of business on the Speaker's table on Wednesday will be sufficient to meet the purpose. If an agreement is desired, I am sure we can enter into an agreement.

Mr. TILSON. I shall take it as an agreement if no one objects.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. CRISP. There has been no change in the plan for the Christmas recess?

Mr. TILSON. No.

Mr. GARRETT of Tennessee. Mr. Speaker, if the gentleman will permit, in a private conversation I had with the gentleman from Connecticut [Mr. TILSON] a few moments ago, I mentioned one subject matter that has been the occasion of a number of inquiries of me this morning. I refer to the river and harbor bill, concerning which there is some hope of passage in the other body to-morrow. I take it that if that bill should pass to-morrow there is no possibility of its being messaged here in time for any action to be taken upon it to-morrow.

Mr. TILSON. As to that I do not know. With the understanding that we have just had, if that bill should come to the House later than to-morrow, I should not feel inclined to ask that any action be taken upon it until after the holidays, unless the action were of a merely formal character.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL

Mr. MAGEE of New York. Mr. Chairman, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15008, the Agricultural Department appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill, with Mr. TREADWAY in the chair.

The Clerk read the title of the bill.

The Clerk read to the end of line 16, on page 4.

Mr. MAGEE of New York. Mr. Chairman, I ask unanimous consent to correct the spelling of the word "vehicles," in line 7, page 4.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

WEATHER BUREAU

SALARIES AND GENERAL EXPENSES

For carrying into effect in the District of Columbia and elsewhere in the United States, in the West Indies, in the Panama Canal, the Caribbean Sea, and on adjacent coasts, in the Hawaiian Islands, in Bermuda, and in Alaska, the provisions of an act approved October 1, 1890, so far as they relate to the weather service transferred thereby to the Department of Agriculture, and the amendment thereof contained in section 5 (e) of the air commerce act of 1926, for the employment of professors of meteorology, district forecasters, local forecasters, meteorologists, section directors, observers, apprentices, operators, skilled mechanics, instrument makers, foremen, assistant foremen, proof readers, compositors, pressmen lithographers, folders and feeders, repairmen, station agents, messengers, messenger boys, laborers, special observers, displaymen, and other necessary employees; for fuel, gas, electricity, freight and express charges, furniture, stationery, ice, dry goods, twine, mats, oil, paints, glass, lumber, hardware, and washing towels; for advertising; for purchase, subsistence, and care of horses and vehicles, the purchase and repair of harness, for official purposes only; for instruments, shelters, apparatus, storm-warning towers and repairs thereto; for rent of offices; for repair and improvements to existing buildings and care and preservation of grounds, including the construction of necessary outbuildings and sidewalks on public streets abutting Weather Bureau grounds; and the erection of temporary buildings for living quarters of observers; for official traveling expenses; for telephone rentals, and for telegraphing, telephoning, and cabling reports and messages, rates to be fixed by the Secretary of Agriculture by agreement with the companies performing the service, including the termination, effective on June 30, 1927, by agreement, of existing contracts with not more than 15 companies so as to provide uniform rates during the fiscal year 1928 for all companies, and any contracts made as a result of this authority to terminate shall not contain rates in excess of those fixed for similar services in the contract of July 1, 1925, for which an adjustment appropriation of

\$168,312 was made in the deficiency act, approved March 3, 1926; for the maintenance and repair of Weather Bureau telegraph, telephone, and cable lines; and for every other expenditure required for the establishment, equipment, and maintenance of meteorological offices and stations and for the issuing of weather forecasts and warnings of storms, cold waves, frosts, and heavy snows, the gauging and measuring of the flow of rivers and the issuing of river forecasts and warnings; for observations and reports relating to crops, and for other necessary observations and reports, including cooperation with other bureaus of the Government and societies and institutions of learning for the dissemination of meteorological information, as follows:

Mr. HARE. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry of the chairman of the subcommittee. In lines 4 and 5, page 13, I would like to know the meaning of the language—

for observations and reports relating to crops, and for other necessary observations and reports.

Is that in any way a duplication of the reports with relation to crop estimates gotten out by the division of crop estimates in the Bureau of Agricultural Economics?

Mr. MAGEE of New York. This refers only to Weather Bureau reports.

Mr. HARE. Do I understand that the Weather Bureau is also going to report on crops and crop conditions and yields, as well as the division of crop estimates in the Bureau of Agricultural Economics?

Mr. MAGEE of New York. This provision is carried year by year and there is no conflict between the two bureaus.

Mr. HARE. That is the reason I make the point. I understand there is probably a conflict or duplication of duties.

Mr. MAGEE of New York. This provision relates to weather conditions affecting crops.

Mr. HARE. There is some criticism on the part of the public, according to my understanding. The division of crop estimates gets out a report, we will say, on the 15th, showing the condition of crops, and the following week the Weather Bureau comes out with a report and shows an entirely different condition. The two are not harmonious and often create a doubt in the mind of the public as to which is correct. I was wondering, therefore, whether this report by the Weather Bureau is absolutely necessary.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. NEWTON of Minnesota. Is not the public actually a little better off if two branches of the Government disagree on their predictions, rather than to have them agree and to have those figures so far off that they mislead everyone?

Mr. HARE. I am not prepared to say that the gentleman is correct.

Mr. NEWTON of Minnesota. I do not know when they ever get it right.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. BUCHANAN. The crop estimate reports come out at stated intervals, fixed by law. The weather forecasts are merely to cover the period between those stated intervals. You may have your agricultural forecasts to-day. The day after to-morrow there may be a severe storm or a severe frost. The Weather Bureau reports that. The estimating bureau has no authority to report from day to day. These reports dovetail with one another to keep the public informed of the progress of crops and weather conditions every day during the producing season.

Mr. HARE. Now, I would ask this question: If the Weather Bureau is going to issue that report in reference to frost, does the Weather Bureau attempt to estimate the amount of damage done to a particular crop?

Mr. BUCHANAN. In general terms it might state that there would be serious damage or severe damage or something like that, but nothing like the crop estimate bureau, Bureau of Economics.

Mr. HARE. I understand that they would estimate in a general way, but not specifically?

Mr. BUCHANAN. Absolutely.

Mr. HARE. They would not say the condition had deteriorated 20 per cent or any other per cent?

Mr. BUCHANAN. No.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For the investigation of diseases of cotton, potatoes, truck crops, forage crops, drugs and related plants, \$150,570.

Mr. BUCHANAN. Mr. Chairman, I offer an amendment. The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Strike out the figures \$150,570 and insert in lieu thereof the following: "\$167,570, of which \$17,500 shall be immediately available for investigation relation to the root rot in cotton.

Mr. BUCHANAN. Mr. Chairman, this is an increase in the appropriation of \$17,000 to enable the scientists of the Department of Agriculture to study the disease known as root rot of cotton, a very destructive and insidious disease. In all the prairie black-land area of the southern United States the farmer plants a crop, goes to all the expense of cultivating it, when a microscopic insect attacks the root of the plant, destroys the root, and the cotton dies. That farmer has suffered a great loss. He makes no crop and loses all the expenses of cultivating. This is a question for the scientists of the Bureau of Plant Industry to investigate. For several years I have called attention to this disease in the hearings before the committee, and the bureau has continually promised to make an investigation, but they have never done so. This year I asked how much would be necessary to make an effective investigation, and they said between \$10,000 and \$25,000. Therefore, with the \$17,000 they can conduct experiments in the different parts of the Cotton Belt and try to find a remedy that will destroy the insect. In the judgment of the department some character of fertilizer may be found both to destroy the insect and fertilize the soil. Your subcommittee understands this question thoroughly, and I understand the amendment is acceptable.

Mr. MAGEE of New York. Mr. Chairman, I do not know much about cotton, but I have no objection to this amendment, and I hope it will be adopted.

The question was taken, and the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. I want to congratulate my colleague from Texas [Mr. BUCHANAN] on getting a valuable amendment passed a moment ago in behalf of the farmers of the country. He is a good friend of the farmers of the United States, and the farmers are finding it out, and he deserves a whole lot of credit for the work he has done on this bill already, and for the additional work he is going to do on the bill here on the floor before we get through with it.

But this audience this evening is characteristic, in a large measure, of the attitude of the Congress towards the farm problems. My friends, the sure-enough dirt farmers, are here.

Mr. HILL of Maryland. And the city farmers.

Mr. BLANTON. Yes; the static statesman from Baltimore is here, but I can not agree with him on his definition. I thought a static statesman should be construed as a politician who is slumbering deeply, but not yet dead.

Mr. HILL of Maryland. I hope it is that way.

Mr. BLANTON. But this situation does portray the attitude of Congress toward agriculture. Here is the great agricultural supply bill under consideration. This is the time and place when it is finally written. It is the one bill that has in its provisions every single thing the farmers of America may expect from the Congress, yet we have exactly 31 Members of the House present. Thirty-one—31 Congressmen only now present out of a membership of 435. Now, our other friends are not interested in agriculture, it would seem.

Mr. MAGEE of New York. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. MAGEE of New York. That is not my experience. Many of my colleagues have made inquiries relative to the provisions of the bill.

Mr. BLANTON. And ought to be here when the agricultural bill comes up. Here is our friend from Texas [Mr. MANSFIELD] present, and if he can be here the balance of the 435 Members ought to be here.

Mr. MAGEE of New York. They are very much interested in the bill. I call the gentleman's attention to the big question of bovine tuberculosis. We have met that situation by making a larger appropriation.

Mr. BLANTON. I am not complaining about the gentleman from New York [Mr. MAGEE], who is the chairman in charge of this bill, because my colleague from Texas has just persuaded him to do something for the farmer here in giving him this amendment that has just been passed, and that shows that the gentleman's heart is right.

Mr. MAGEE of New York. I am a farmer myself.

Mr. BLANTON. I know it, and that is the reason why the gentleman agreed to this amendment to help the farmers.

I will tell you what is the real matter with the farmers. You are never going to solve the farm problem until you solve

this one question: You remember our distinguished friend, only recently a Member of this House, the late distinguished gentleman from New York, Mr. Bourke Cockran, got up on this floor and said that he was going to be frank with Congress and not camouflage on the question. He said he represented 6,000,000 consumers in the city of New York, and that they wanted to get everything they ate and wore just as cheaply as they could get it, and he was for them. He was opposed to all this agitation about raising the price of farm products. Whenever you solve that conflicting interest between consumer and producer you will have solved most of the ills that now beset the farmer and the producer. It is the special, selfish interest of consumers in the big cities, who want the products of the farm and the ranch just as cheaply as they can get them. They will not stand for anything that will enhance the price of farm products. And their representatives vote to keep prices down. You know that is just as true as can be.

Mr. DAVIS. Is it not a fact that all the appropriations in the Agricultural appropriation bill are calculated to increase production and, consequently, decrease the price to the farmer?

Mr. BLANTON. Yes; and nothing will appear in this bill unless for the benefit of the consumer. The trouble is that the representatives of the consumers out-vote us representatives of the farm producers here on the floor.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. May I have two minutes more?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. I will not take more time on this bill, because I am willing to confess that the gentleman from Connecticut [Mr. TILSON] caught me, for one, when he proposed that if we finished this bill on Tuesday he would give us Wednesday. I am going to try to help you finish it to-morrow.

If you can just solve that one question, then the whole problem will be solved. The Congressmen who represent the millions of consumers in the big cities control the situation here in Congress. When you get up a proposition to help the farmer and producer they come in and vote down any proposition that would in any way increase the price of farm products.

Mr. DAVIS. In voting against these propositions, they are voting for the consumer as well as against the farmer?

Mr. BLANTON. Yes.

Mr. JONES. And they are also opposing measures to reduce the price of the things the farmers have to buy.

Mr. BLANTON. Yes. Because these same consumers manufacture all utensils and implements and clothing which farmers must buy, and their desire is to increase the price of the manufacturers' products. It is the selfish interests of the consumers in the big cities which is starving the farmers and their families to death on the farms every year.

The CHAIRMAN. The time of the gentleman from Texas has again expired. The Clerk will again read.

The Clerk read as follows:

For acclimatization and adaptation investigations of cotton, corn, and other crops introduced from tropical regions, and for the improvement of cotton and other fiber plants by cultural methods, breeding, and selection, and for determining the feasibility of increasing the production of hard fibers outside of the continental United States, \$200,800: *Provided*, That not more than \$7,500 of this sum may be used for experiments in cottonseed interbreeding: *Provided further*, That of this sum \$50,000 may be used for explorations, research, and field experiments relating to potential rubber-producing plants.

Mr. HARE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. HARE. I would like to ask the chairman of the subcommittee the meaning of lines 18, 19, and 20 in the paragraph for—

determining the feasibility of increasing the production of hard fibers outside of continental United States.

I would like to know what kind of fibers are included in the "hard fibers," and I would like to know where those fibers are to be produced, and for what purpose.

Mr. MAGEE of New York. As I understand, that is for work in the Philippines, rope.

Mr. HARE. Fibers for making rope in the Philippines?

Mr. MAGEE of New York. Hemp, as I understand it; twine.

Mr. HARE. There is no reference made to rope or twine above that in the paragraph, and the only interpretation I could get was that it referred to cotton. If it does not refer

to cotton, the provision should be eliminated, because I think we should insist that the rope and twine used in this country should be made out of cotton instead of encouraging production in the Philippines.

Mr. MAGEE of New York. It is for the improvement of cotton and other fiber plants.

Mr. HARE. I see. The other "fiber plants," as I understand it, refer to rope?

Mr. MAGEE of New York. Yes.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

For the investigation and improvement of cereals, including corn, and methods of cereal production, and for the study and control of cereal diseases, including barberry eradication, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, and for the investigation and improvement of broomcorn and methods of broomcorn production, \$737,200: *Provided*, That \$375,000 shall be set aside for the location of and destruction of the barberry bushes and other vegetation from which rust spores originate: *Provided further*, That \$75,000 of this amount shall be available for expenditure only when an equal amount shall have been appropriated, subscribed, or contributed by States, counties, or local authorities, or by individuals or organizations, for the accomplishment of such purposes.

Mr. LEAVITT. Mr. Chairman, I move to strike out the last word, in order to ask a question of the Chairman.

The CHAIRMAN. The gentleman from Montana is recognized.

Mr. LEAVITT. I notice on page 27, line 8, that an amount is given for the location and destruction of barberry bushes, which has a very important relationship to the protection of our wheat crop from rust in the Western States. I would appreciate a statement of how this compares with the previous appropriation.

Mr. MAGEE of New York. The Bureau of the Budget recommended a decrease of \$25,000 in this appropriation, but the committee feels it is a very important work, and very great progress has been made in the eradication of barberry bushes. The survey of the ground a second time requires a great deal of care, and the result has been so satisfactory to the States of the Northwest, the committee felt the amount ought to be restored to the amount of the appropriation for this year.

Mr. LEAVITT. This is of great value to Montana, where much of this work has been done; and in the name of my State I wish to thank the committee for restoring the appropriation.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For necessary expenses for general administrative purposes, including the salary of the Chief Forester and other personal services in the District of Columbia, \$366,748.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman of the subcommittee. I desire to invite his attention to line 21 of page 22:

For necessary expenses for general administrative purposes, including the salary of the Chief Forester and other personal services in the District of Columbia, \$366,748.

I wanted to ask the chairman of the subcommittee how much of that money is to be expended exclusively for personal services in the District of Columbia, and how much is to be expended for services partially rendered in the District and partially rendered in the field? I am not asking for the exact figures, but approximately.

Mr. MAGEE of New York. My information is this amount is to be expended in the District.

Mr. HILL of Maryland. That is my understanding. That it is entirely for the District.

Mr. MAGEE of New York. Yes.

Mr. HILL of Maryland. And such amounts as \$1,236,186, on page 33, and the amounts contained in the subsequent paragraphs, which have not been read, are primarily for expenditure by the field service in the forests themselves.

Mr. MAGEE of New York. In the districts mentioned.

Mr. HILL of Maryland. In that particular district?

Mr. MAGEE of New York. Yes.

Mr. HILL of Maryland. Mr. Chairman, I withdraw the pro forma amendment, and ask unanimous consent to revise and extend these remarks.

The CHAIRMAN. The gentleman from Maryland withdraws the pro forma amendment and asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

The Clerk read as follows:

For fighting and preventing forest fires on or threatening the national forests and for the establishment and maintenance of a patrol to prevent trespass and to guard against and check fires upon the lands revested in the United States by the act approved June 9, 1916, and the lands known as the Coos Bay Wagon Road lands involved in the case of Southern Oregon Co. against United States (No. 2711), in the Circuit Court of Appeals of the Ninth Circuit, \$283,000, of which \$150,000 shall be immediately available: *Provided*, That not to exceed \$75,000 of this amount may be used by the Secretary of Agriculture in meeting emergencies caused by forest insects on national forests.

Mr. LEAVITT. Mr. Chairman, I move to strike out the last word in order to ask a question of the chairman of the subcommittee. I would like to be informed as to how the appropriation for forest fire fighting and the prevention of forest fires in this bill compares with that of the past year?

Mr. MAGEE of New York. There has been a material increase in the appropriations for the fiscal year 1928 as compared with this fiscal year. One item is for an increased number of fire guards. The committee did not feel like taking any responsibility in reference to forest fires and consequently allowed the item.

Mr. LEAVITT. I will say the committee did exactly right in doing that. One difficulty in handling fires in crisis years, like the season just past, has been the lack of an adequate force on the ground to immediately detect, quickly arrive at the fires, and get the necessary crews at work on the fires as shortly as possible after they start.

Mr. MAGEE of New York. The committee approved of all the department requested on the ground that the responsibility should be on the department and not upon us.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For cooperation with the War Department in the maintenance and operation of an airplane patrol to prevent and suppress forest fires on national forests and adjacent lands, \$50,000: *Provided*, That no part of this appropriation shall be used for the purchase of land or airplanes.

Mr. KETCHAM. Mr. Chairman, I move to strike out the paragraph for the purpose of asking a question of the chairman of the subcommittee. Referring to this paragraph, I would like to ask the chairman of the subcommittee what report he has to make with reference to the development of this airplane patrol. Can the chairman inform us when it was first established and something about its development, what the prospects are and what the successes have been in connection with it?

Mr. MAGEE of New York. The appropriation for this purpose began several years ago and the department believes this service has been very efficient.

Mr. KETCHAM. Have the appropriations been increased gradually as the value of the service has been determined or has it proven to be the contrary?

Mr. MAGEE of New York. As I understand, the appropriation originally was approximately \$50,000; then it was suspended for a time and finally restored two years ago and the department is anxious to have this service continued.

Mr. KETCHAM. It occurs to me, Mr. Chairman, that this is a very important service.

Mr. MAGEE of New York. I think so.

Mr. KETCHAM. If these forest fires could only be located quickly in their inception, then means of combating them could be gotten on the ground much sooner and much more could be accomplished. Of course, I realize that airplanes have no value so far as enabling the department to do much in the way of putting out the fires because of the lack of landing places, but by the use of airplanes the fires can be quickly located, and I believe this is a wonderful service.

Mr. MAGEE of New York. The Chief Forester feels this service should be continued.

Mr. KETCHAM. Amplified, increased, or, at least, carried along at this rate.

Mr. MAGEE of New York. With this amount.

Mr. KETCHAM. For the time being.

Mr. MAGEE of New York. Yes.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For the purchase of tree seed, cones, and nursery stock, for seeding and tree planting within national forests, and for experiments and investigations necessary for such seeding and tree planting, \$150,000.

Mr. SIMMONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SIMMONS: On page 37, line 8, after the figures "\$150,000," strike out the period and insert: "*Provided*, That from the nurseries on the Nebraska National Forest the Secretary of Agriculture, under such rules and regulations as he may prescribe, may furnish young trees free, so far as they may be spared, to residents of the territory covered by 'An act increasing the area of homesteads in a portion of Nebraska,' approved April 28, 1904."

Mr. BLANTON. Mr. Chairman, I reserve a point of order against the amendment.

Mr. SIMMONS. Mr. Chairman, this puts back in the bill the language it has carried ever since the passage of the Kinkaid Act, so I am informed, and leaves a right with the Secretary of Agriculture that he has had at all times to regulate the distribution of trees to the settlers on the Kinkaid land in the cattle country of Nebraska. It does not change the existing act in any way.

Mr. MAGEE of New York. Mr. Chairman, in order that the Members of the House may know the situation, this is the same provision—

Mr. SIMMONS. As has been in the act all the time.

Mr. MAGEE of New York. It is known as the Kinkaid provision, passed years ago for the distribution of tree seedlings in the sixth district of Nebraska. The committee omitted the provision in this bill because it is no longer necessary for the reason that the same work is done under the provisions of the Clarke-McNary Reforestation Act.

Mr. SIMMONS. Will the gentleman yield there?

Mr. MAGEE of New York. Yes.

Mr. SIMMONS. The Clarke-McNary Act is an entirely different act. That act provided for the sale of trees through State agencies. This provision provides for the distribution of small trees that are used for experimental purposes on the ranches, the surplus trees on the reserve that are distributed by the forestry stations. The Secretary of Agriculture can cut it out at any time.

Mr. MAGEE of New York. I repeat in order that the Members of the House may know what the provision is, the opinion of the committee is that the work is now performed under the Clarke-McNary Reforestation Act, so that it is entirely immaterial, from the viewpoint of the committee, whether it is carried in the bill or not, and there is nothing to discuss.

Mr. BLANTON. Mr. Chairman, if I may speak on the point of order a moment, the Kinkaid provision was an amendment that was inserted in the bill without any authority of law. This proposal is without authority of law. It is legislation pure and simple. It seeks to authorize the giving of trees to applicants in a certain portion of the United States. I do not think this kind of legislation ought to be in the bill, and I therefore make the point of order.

The CHAIRMAN. Does the gentleman from Nebraska desire to be heard?

Mr. SIMMONS. Mr. Chairman, this is being done pursuant to an act of Congress, under authority given in the Kinkaid Act of 1904. It has been carried in all the bills, and the Secretary of Agriculture has authority to do what the Congress is trying to compel him to do here.

Mr. BLANTON. That was in an appropriation bill?

Mr. SIMMONS. No; it was the general law creating the homestead of 640 acres for the cattle country of Nebraska.

Mr. MAGEE of New York. Mr. Chairman, so far as the committee is concerned, our position is that it does not make any difference whether it is in the bill or not. It adds nothing to the bill, and we have no objection to the amendment, so far as we are concerned.

The CHAIRMAN. The duty of the Chair is to decide whether or not the item is subject to the point of order made by the gentleman from Texas. The Chair would inquire of the gentleman from Nebraska whether he knows that this paragraph which he suggests has been copied verbatim from previous legislation?

Mr. SIMMONS. I copied this paragraph verbatim from the appropriation act of last year for the Department of Agriculture.

Mr. BLANTON. And it was merely a provision in an appropriation act. It was not substantive law. That authority expired with that appropriation act. It is just like any other provision that is put in an appropriation act. It does not become permanent law.

The CHAIRMAN. Of course, the Chair realizes that all appropriation acts are simply applicable to the year for which the appropriation is made. The Chair understands from the gentleman from Nebraska that the amendment which he offers was in an appropriation act. Consequently, it was applicable only to the year for which the appropriation bill was passed, and if the Chair is correct in that inference the item is subject to a point of order.

Mr. SIMMONS. The amendment, if the Chair please, provides for distribution under the Kinkaid Act.

The CHAIRMAN. The Chair understood the gentleman from Nebraska to say that this item has been carried verbatim in an appropriation bill. If it was not carried in a legislative bill, it is surely subject to the point of order that the gentleman from Texas raises, and the Chair sustains the point of order.

The Clerk read as follows:

For silvicultural, dendrological, and other experiments and investigations, independently or in cooperation with other branches of the Federal Government, with States, and with individuals, to determine the best methods for the conservative management of forest and forest land, \$332,000, of which amount not to exceed \$60,000 shall be immediately available for the establishment of forest experiment stations as provided in the act entitled "An act to authorize the establishment and maintenance of a forest experiment station in the Ohio and Mississippi Valleys," approved July 3, 1926, and as provided in the act entitled "An act for the establishment and maintenance of a forest experiment station in Pennsylvania and the neighboring States," approved July 3, 1926.

Mr. SIMMONS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 37, line 22, after the figures "1926," strike out the period and insert the following: "Provided, That not more than \$1,000 of this amount may be expended for the improvement of the station buildings which were constructed at the Bessey Nursery, Nebraska National Forest (formerly Dismal River Forest Reserve), in accordance with the act of June 30, 1906 (34 Stat. L. p. 696)."

Mr. SIMMONS. Mr. Chairman, that is to authorize some repairs and improvements on the building at the forest station at that point.

Mr. MAGEE of New York. I have no objection to it. The repairs probably are needed.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. MAGEE of New York. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15008, the agricultural appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE

Mr. McLAUGHLIN of Michigan (at the request of Mr. MAPES) was given leave of absence on account of illness.

Mr. MONTGOMERY (at the request of Mr. THOMAS) was given leave of absence on account of illness.

HOOR OF MEETING TO-MORROW

Mr. TILSON. Mr. Speaker, on Saturday, thinking there might be necessity for lengthening the session hours to-morrow in order to complete the consideration of the Department of Agriculture appropriation bill this week, it was ordered that the House meet at 11 o'clock to-morrow. We have had an extra hour on this bill this afternoon that was not anticipated and made great progress in the reading of the bill. It seems therefore unnecessary to bring the Members here to-morrow an hour earlier than usual. I ask unanimous consent that the order of Saturday as to the hour of meeting to-morrow be rescinded.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the order of the House by which it was arranged that the House meet at 11 o'clock to-morrow be rescinded. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, before we went into Committee of the Whole, in a colloquy between the gentleman from Tennessee and myself, reference was made to what action might be taken in case the river and harbor bill were passed and messaged over at a late hour. As I recall, what I said to the gentleman from Tennessee was to the effect that if that bill came over later than to-morrow, owing to the agreement

we had to take up nothing but routine or formal business on Wednesday, I should not feel inclined to call up for action a bill of that importance. What I meant by that statement was that I should not feel warranted in calling up a contested matter. If that bill or any other bill came over on Wednesday and proved to be only a formal matter, I see no reason why it might not be properly disposed of.

Mr. GARRETT of Tennessee. Mr. Speaker, in order that Members may understand, there is a possibility that if the river and harbor bill passes the Senate to-morrow some action might be taken. Several gentlemen are interested very much in the river and harbor bill and have spoken to me, as I have no doubt they have spoken to the gentleman from Connecticut, and they are anxious that the question be left open until Wednesday, that there be no fixed determination this afternoon that nothing should be done. I understand the attitude of the gentleman from Connecticut is to leave the question open so that there may be possible action if the bill comes over.

Mr. TILSON. That is correct.

PROSPERITY OF THE UNITED STATES STEEL CORPORATION

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the prosperity of the United States Steel Corporation.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LANKFORD. Mr. Speaker and gentlemen of the House, in an editorial on last Saturday, the Washington Post of this city points with pride to the recent 40 per cent stock dividend of the United States Steel Corporation and in effect shouts now there can no longer be doubt of the great prosperity of our country.

Let us not think that because bandits hold up a bank and get away with a hundred thousand dollars and are prosperous then that everyone else is prosperous; neither let us believe that because the profiteers of the Nation are prosperous then that all the people of our Nation are prosperous. What is the real truth? The United States Steel Corporation, from its mass of stolen goods has declared a 40 per cent stock dividend and this is hailed with delight by many as a token of prosperity. Away with this false idea of prosperity. On the contrary, it means that a few individuals have gotten together a large accumulation of stolen property. It means that heartless, soulless, conscienceless, big corporate interests, managed by men in many instances who are cold to every appeal of humanity, justice, and patriotism, are plundering, within unjust and basely discriminatory laws, a hundred million bleeding, suffering, and dying men, women, and children. It means that there are too many, yet, who rejoice over the unjust accumulation of wealth by one millionaire rather than over the prosperity of the great common people. It means that the plundering of the Nation, or the common people, of hundreds of millions of dollars is to be hailed by many as an act of patriotism and that the perpetrator is to receive the plaudits of those engaged in similar business or well-wisher to it.

Such dividends in the midst of the human suffering and financial distress which is abroad in our land is not indicative of the prosperity of our Nation. It is a glaring signal of unjust and corrupt favoritism in legislation and government. It is the result of the grossest sort of high-price fixing of what the common people must buy and of a stubborn refusal to give the great citizenship of our Nation even a square deal.

For every chuckle of delight which dulls the conscience of the conspirators who board this and other similarly ill-gotten wealth there results the degradation, poverty, and death of countless millions of outraged men, women, and children.

And this is called prosperity. It is the prosperity of the lion destroying the lamb. If this is prosperity, then the early settlers of our country were prosperous when the Indians were burning their homes, destroying their property, scalping their wives and children, and carrying them into captivity and to torture and death.

This is prosperity such as came to the Belgians when the German hordes were at their doors, when death and devastation were on every hand and when the cannon roar rocked their hills.

This is success of a favored few wrung from the great common people by taskmasters more cruel than ever lashed Egyptian wretch or galley slave. It is the fiendish prosperity of those who put money ahead of men, property ahead of people, boodle ahead of boys and girls, criminal profits and pleasures ahead of children's rights and welfare, the profiteer

ahead of the patriot, conscienceless greed ahead of our country's need, and gold ahead of God.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 12316. An act to amend the Panama Canal act and other laws applicable to the Canal Zone, and for other purposes.

ADJOURNMENT

Mr. MAGEE of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Tuesday, December 21, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, December 21, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

War Department appropriation bill.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

806. A letter from the Secretary of the Navy, transmitting a report of claims arising out of damages to private property due to the operation of naval aircraft, which were ascertained, adjusted, determined, and paid by the department during the fiscal year ending June 30, 1926, from the appropriation "Aviation, Navy, 1926"; to the Committee on Expenditures in the Navy Department.

807. A letter from the Secretary of the Navy, transmitting a list of cases of relief granted since last report under date of November 30, 1925; to the Committee on Expenditures in the Navy Department.

808. A letter from the Secretary of War, transmitting a draft of a bill for the relief of Athanasios Metaxiotos, a former employee of the Isthmian Canal Commission, who was injured in the line of duty; to the Committee on Claims.

809. A letter from the Secretary of War, transmitting a draft of a bill for the relief of Steadman Martin, an employee of the Isthmian Canal Commission, who was injured in the line of duty; to the Committee on Claims.

810. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of Agriculture for the fiscal year 1927, for fighting and preventing forest fires, for forest roads and trails, and for administration of the United States warehouse act, amounting in all to \$3,561,250 (H. Doc. No. 600); to the Committee on Appropriations and ordered to be printed.

811. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department, secret-service division, for the fiscal year ending June 30, 1927, \$766.67 (H. Doc. No. 601); to the Committee on Appropriations and ordered to be printed.

812. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year ending June 30, 1927, pertaining to the Office of the Supervising Architect, \$32,569.28 (H. Doc. No. 602); to the Committee on Appropriations and ordered to be printed.

813. A communication from the President of the United States, transmitting a supplemental estimate of appropriation under the legislative establishment, Botanic Garden, for the fiscal year 1927, in the sum of \$4,000 (H. Doc. No. 603); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. COYLE: Committee on Naval Affairs. H. R. 15415. A bill to authorize the construction of additional vessels; without amendment (Rept. No. 1635). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAGEE of Pennsylvania: Committee on Naval Affairs. H. R. 14248. A bill to amend the provisions contained in the act approved March 3, 1915, providing that the Chief of Naval Operations, during the temporary absence of the Secretary and

Assistant Secretary of the Navy, shall be next in succession to act as Secretary of the Navy; without amendment (Rept. No. 1636). Referred to the Committee of the Whole House on the state of the Union.

Mr. COYLE: Committee on Naval Affairs. H. R. 12852. A bill authorizing the Secretary of the Navy to accept on behalf of the United States title in fee simple to a certain strip of land and the construction of a bridge across Archers Creek in South Carolina; without amendment (Rept. No. 1637). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAGEE of Pennsylvania: Committee on Naval Affairs. H. R. 12212. A bill authorizing the Secretary of the Navy to dispose of obsolete aeronautical equipment to accredited schools, colleges, and universities; with amendment (Rept. No. 1638). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 4445. An act to amend the act entitled "An act to enable the trustees of Howard University to develop an athletic field and gymnasium project, and for other purposes," approved June 7, 1924; without amendment (Rept. No. 1639). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DREWRY: Committee on Naval Affairs. H. R. 15048. A bill providing for the promotion of Lieut. Commander Richard E. Byrd, United States Navy, retired, and awarding to him a congressional medal of honor; without amendment (Rept. No. 1640). Referred to the Committee of the Whole House.

Mr. DREWRY: Committee on Naval Affairs. H. R. 15049. A bill providing for the promotion of Floyd Bennett, aviation pilot, United States Navy, and awarding to him a congressional medal of honor; without amendment (Rept. No. 1641). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MORGAN: A bill (H. R. 15467) to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War; to certain widows, children of such soldiers, sailors, and marines; and granting pensions and increases of pensions in certain cases; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 15468) to authorize payment of compensation to retired warrant officers and enlisted men employed by the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: A bill (H. R. 15469) to amend the act entitled "An act to extend the time for the completion of the municipal bridge approaches, and extensions or additions thereto, by the city of St. Louis, within the States of Illinois and Missouri," approved February 13, 1924; to the Committee on Interstate and Foreign Commerce.

By Mr. HILL of Maryland: A bill (H. R. 15470) to amend the national prohibition act to permit the manufacture, sale, transportation, importation, or exportation of beverages which are not in fact intoxicating, as determined in accordance with the laws of the respective States; to the Committee on the Judiciary.

By Mr. KIRK: A bill (H. R. 15471) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the war with Spain, the Philippine insurrection, the China relief expedition, or the Coast Guard Artillery Service of the United States, their widows and orphans; to the Committee on Pensions.

By Mr. WOLVERTON: A bill (H. R. 15472) to revive and reenact an act entitled "An act granting the consent of Congress to the Kanawha Falls Bridge Co. (Inc.) to construct a bridge across the Kanawha River at Kanawha Falls, Fayette County, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. BACON: A bill (H. R. 15473) to prohibit the importation free of duty of foreign-made parts for use on American-made machines; to the Committee on Ways and Means.

By Mr. HAUGEN: A bill (H. R. 15474) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of surplus of agricultural commodities; to the Committee on Agriculture.

By Mr. ZIHLMAN: A bill (H. R. 15475) amending the act approved August 30, 1890 (Stat. L., vol. 26, pp. 412-413),

relative to proceedings for condemnation of land for public purposes; to the Committee on the District of Columbia.

By Mr. MORGAN: A bill (H. R. 15476) to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes; to the Committee on Agriculture.

By Mr. KINDRED: A bill (H. R. 15477) to establish a national institute of health to authorize increased appropriations for the Hygienic Laboratory and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings; to the Committee on Interstate and Foreign Commerce.

By Mr. ALLGOOD: A bill (H. R. 15478) to prohibit the importation of jute and the products made or manufactured from jute into the United States or any of its possessions; to the Committee on Ways and Means.

By Mr. BACON: A bill (H. R. 15479) to create within the Philippine Archipelago a jurisdiction to be known as the Moro Province, and to provide a government therefor; to the Committee on Insular Affairs.

By Mr. MORROW: A bill (H. R. 15480) granting certain lands to New Mexico College of Agriculture and Mechanic Arts for the purpose of conducting educational, demonstrative, and experimental development with livestock, grazing methods, and range forage plants; to the Committee on the Public Lands.

By Mr. JOHNSON of South Dakota: A bill (H. R. 15481) to regulate the pay and allowances of certain officers of the United States Navy; to the Committee on Naval Affairs.

By Mr. KINDRED: Joint resolution (H. J. Res. 309) authorizing the Postmaster General of the United States to set aside Christmas Day as a national full holiday for rural carriers, letter carriers, and all postal employees of the United States Government; to the Committee on the Post Office and Post Roads.

By Mr. McDUFFIE: Joint resolution (H. J. Res. 310) authorizing the erection of a monument to the memory and at the grave of the Indian chief, William Weatherford, known as the "Red Eagle"; to the Committee on the Library.

By Mr. DICKINSON of Iowa: Joint resolution (H. J. Res. 311) to create a commission to select and recommend location for summer White House and report findings to Congress; to the Committee on Rules.

By Mr. BROWNING: Resolution (H. Res. 347) to instruct the Committee on Agriculture to substitute an excise tax on protected manufacturing for an equalization fee in agricultural bill; to the Committee on Rules.

By Mr. BUTLER: Resolution (H. Res. 348) for the consideration of H. R. 15415, a bill to authorize the construction of additional vessels; to the Committee on Rules.

By Mr. BLANTON: Resolution (H. Res. 349) providing for printing of the report of investigation of St. Elizabeths Hospital by the Comptroller General of the United States under the authorization of Congress; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 15482) granting permission to Capt. Thomas L. Johnson, United States Navy, to accept a brevet and medal of the French Legion of Honor, tendered by the President of the French Republic; to the Committee on Naval Affairs.

By Mr. BACHARACH: A bill (H. R. 15483) granting an increase of pension to Mary A. Kretschmar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15484) granting an increase of pension to Ellen N. West; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 15485) granting a pension to Julia Davis; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 15486) granting a pension to Bertie C. Nields; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 15487) to correct the military record of Jordan Kidwell; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 15488) granting a pension to Eva Rensch Hudson; to the Committee on Pensions.

By Mr. ELLIOTT: A bill (H. R. 15489) granting a pension to George Cheesman; to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 15490) granting a pension to Louisa Rasp; to the Committee on Invalid Pensions.

By Mr. FENN: A bill (H. R. 15491) granting an increase of pension to M. Jennie Hull; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 15492) granting an increase of pension to Eliza K. D. Mann; to the Committee on Invalid Pensions.

By Mr. HOCH: A bill (H. R. 15493) granting an increase of pension to Elvira Cuning; to the Committee on Invalid Pensions.

By Mr. MORTON D. HULL: A bill (H. R. 15494) granting a pension to Lizzie Fenton; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 15495) granting an increase of pension to Mary A. McCune Brown; to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 15496) granting a pension to Libethe Youngblood; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 15497) granting an increase of pension to Emily D. Monk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15498) granting a pension to Carrie B. Gaddis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15499) granting an increase of pension to Elizabeth South; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 15500) granting a pension to Susan Whittemore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15501) granting a pension to Margaret G. Atchinson; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 15502) granting an increase of pension to Margaret Spencer; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 15503) granting an increase of pension to Catharine Turnbaugh; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 15504) to correct the military record of Lemuel Horton; to the Committee on Military Affairs.

By Mr. McSWAIN: A bill (H. R. 15505) for the relief of E. C. Howze; to the Committee on Claims.

By Mr. MARTIN of Massachusetts: A bill (H. R. 15506) granting an increase of pension to Elizabeth Gordon; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 15507) granting a pension to Nannie Austin; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 15508) granting an increase of pension to Curney G. Hill; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 15509) granting an increase of pension to Catherine Giffen; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 15510) granting an increase of pension to Mary A. Trumble; to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 15511) granting an increase of pension to Katie C. Manson; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 15512) granting an increase of pension to Lucy J. Swearingen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15513) granting an increase of pension to Louisa E. Harrison; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 15514) granting an increase of pension to Jennie Hanes; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: A bill (H. R. 15515) granting a pension to Samuel L. Smith; to the Committee on Pensions.

By Mr. SHREVE: A bill (H. R. 15516) granting a pension to Rose M. Mehleck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15517) granting an increase of pension to Fannie C. Burdick; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 15518) granting an increase of pension to Mary J. Coon; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 15519) for the relief of Albert J. Zyvoliski; to the Committee on Claims.

Also, a bill (H. R. 15520) validating homestead entry of Englehard Sperstad for certain public land in Alaska; to the Committee on the Public Lands.

By Mr. SWOOPE: A bill (H. R. 15521) granting an increase of pension to Mary Arnold; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 15522) granting a pension to Sherman H. Wharton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15523) granting an increase of pension to Joseph La Rue; to the Committee on Pensions.

By Mr. WYANT: A bill (H. R. 15524) granting an increase of pension to Mary Leffler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15525) granting an increase of pension to Clara Ziegler; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 15526) granting a pension to William R. Lewis; to the Committee on Invalid Pensions. Also, a bill (H. R. 15527) granting an increase of pension to Sarah J. Ramsey; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4380. By Mr. BROWNE: Petition of citizens of Wisconsin, favoring the passage of House bill 10311; to the Committee on the District of Columbia.

4381. By Mr. CARTER of California: Petition of the California Economic Research Council, urging an appropriation of sufficient funds which will enable the Bureau of Soils to publish soil surveys and have them available for distribution as soon as possible after completion of the field work as the bureau is now approximately three years in arrears in issuing maps and reports; to the Committee on Appropriations.

4382. By Mr. FRENCH: Petition of citizens of Weiser, Idaho, and Nampa, Idaho, requesting that veterans of the Indian wars, their widows and dependents, be granted an increase of pension; to the Committee on Pensions.

4383. By Mr. HOOPER: Petition of Mrs. A. M. Houser and 11 other residents of Battle Creek, Mich., protesting against the passage of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4384. By Mr. KINDRED: Petition of the Medical Society of the State of New York to the Congressmen, individually and collectively, of New York State, to oppose any amendment and revision of the Harrison narcotic law that would make more difficult the conditions under which physicians are obliged to work at present. It requests immediate and continued opposition to favorable action on House bill 11612 and its companion, Senate bill 4085; to the Committee on Ways and Means.

4385. By Mr. MORROW: Petition of American Mining Congress re Senate bill 564; to the Committee on the Public Lands.

4386. By Mr. O'CONNELL of New York: Petition of the National Association of Credit Men, 1 Park Avenue, New York City, favoring the enactment of the McFadden banking bill without the Hull amendment; to the Committee on Banking and Currency.

4387. Also, petition of the Medical Society of the State of New York, opposing the passage of Senate bill 4085 and House bill 11612, to amend the Harrison narcotic law; to the Committee on Ways and Means.

SENATE

TUESDAY, December 21, 1926

(Legislative day of Friday, December 17, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 3728. An act to grant to the State of New York and the Seneca Nation of Indians jurisdiction over the taking of fish and game within the Allegany, Cattaraugus, and Oil Spring Indian Reservations; and

S. 3615. An act for the relief of soldiers who were discharged from the Army during the Spanish-American War because of misrepresentation of age.

The message also announced that the House had passed the bill (S. 4153) to provide for enlarging and relocating the United States Botanic Gardens, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 9564. An act providing for markers for the battle fields of Eastport, Miss., and Iuka, Miss.;

H. R. 9912. An act approving the transaction of the adjutant general of the State of Oregon in issuing property to sufferers from a fire in Astoria, Oreg., and relieving the United States property and disbursing officer of the State of Oregon and the State of Oregon from accountability therefor;

H. R. 11516. An act to authorize the payment of an indemnity to the Government of France on account of losses sustained

by the owners of the French steamship *Madeleine* as a result of a collision between it and the U. S. S. *Kerwood*;

H. R. 12315. An act to amend section 8 of the food and drugs act, approved June 30, 1906, as amended;

H. R. 13445. An act to provide for graduated special-handling postage charges, according to the weights of the parcels, and to extend special-delivery service to such parcels of fourth-class matter;

H. R. 13446. An act to restore the rate of postage of 1 cent each to private mailing or post cards;

H. R. 13447. An act to provide for an additional charge on first-class matter mailed short paid more than one rate;

H. R. 13448. An act authorizing the transmission of business reply cards in the mails and prescribing the rate of postage thereon;

H. R. 13449. An act to amend section 203 of Title II of the act of February 28, 1925, by prescribing a more equitable rate for transient second-class mail matter;

H. R. 13500. An act to amend section 176 of the Judicial Code;

H. R. 14250. An act to authorize reimposition and extension of the trust period on lands held for the use and benefit of the Capitan Grande Band of Indians in California;

H. J. Res. 233. Joint resolution authorizing the Secretary of War to loan certain French guns which belong to the United States and are now in the city park at Walla Walla, Wash., to the city of Walla Walla, and for other purposes; and

H. J. Res. 298. Joint resolution authorizing the Secretary of War to lend 700 cots and 700 blankets for the use of the North Carolina Department of the American Legion at its annual convention at Washington, N. C., in August, 1927.

The VICE PRESIDENT. The Senate resumes the consideration of House bill 11616.

RIVER AND HARBOR BILL

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SHEPPARD obtained the floor.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	King	Shipstead
Bayard	Fletcher	Lenroot	Shortridge
Bingham	Frazier	McKellar	Simmons
Blease	George	McLean	Smith
Borah	Gillett	McMaster	Smoot
Bratton	Goff	McNary	Stanfield
Broussard	Gooding	Mayfield	Steck
Bruce	Gould	Metcalf	Stephens
Cameron	Greene	Moses	Stewart
Capper	Hale	Neely	Swanson
Caraway	Harrell	Norris	Trammell
Copeland	Harris	Oddie	Tyson
Couzens	Harrison	Overman	Wadsworth
Curtis	Hawes	Pine	Walsh, Mass.
Deneen	Heflin	Pittman	Walsh, Mont.
Dill	Howell	Ransdell	Warren
du Pont	Johnson	Reed, Pa.	Watson
Edge	Jones, N. Mex.	Robinson, Ind.	Wheeler
Edwards	Jones, Wash.	Sackett	Willis
Ernst	Kendrick	Schall	
Ferris	Keyes	Sheppard	

Mr. CURTIS. I desire to announce that the junior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness, and that the junior Senator from North Dakota [Mr. NYE] is absent because of illness in his family. I will let this announcement stand for the day.

Mr. McMASTER. I wish to announce that the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eight-two Senators having answered to their names, a quorum is present. The Senator from Texas [Mr. SHEPPARD] is entitled to the floor.

Mr. NORRIS. Will the Senator from Texas yield to me?

Mr. SHEPPARD. I yield to the Senator from Nebraska.

STOCK DIVIDENDS OF CORPORATIONS

Mr. NORRIS. I ask unanimous consent out of order to introduce a Senate resolution. I ask that it be read and then if there is any desire to have it go over under the rule I shall not object.

The VICE PRESIDENT. Does the Senator desire immediate consideration of the resolution?

Mr. NORRIS. I desire to have it read.

The VICE PRESIDENT. The clerk will read the resolution.